Supreme Court, U.S.

No. 96 1827 FEB 18 1997

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996

EARL GENE HESS, JR. ET AL
PETITIONERS

VS.

PATRICIA LOUISE HESS
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

US APPEALS COURT FOR THE 6TH CIRCUIT /
TENNESSEE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

EARL GENE HESS JR., PE
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101 pp

QUESTIONS PRESENTED

1. Does the US Constitution's First Amendment provide protection for the unobstructed free expression of speech at a public political action committee meeting, where the subject speech was about a sitting female judge witnessed nude performing oral sex on a male child and other similar misbehavior of that same judge? The Tennessee Trial, Appellate, and Supreme Courts by failing to rule on a motion to remove an ex parte and fraudulently obtained restraining order, by default forbids such speech. While the Federal District and Appeals courts state a lack of jurisdiction.

2. Are US Constitutionally protected civil rights suspended to allow Trial Court Judges preferential treatment or otherwise legally protected to allow a Judge to:
   a) concerning the Judge's personal litigation, the Judge personally interrogates the opposing litigant in the Judge's chambers while the citizen is under the armed guard of a Sheriff's deputy?
   b) personally hold the Judge's opposing litigant hostage in a public restaurant parking lot, then use the local police to hold and interrogate the opposing litigant?
   c) repeatedly threaten the Judge's opposing litigant with "I'll have you jailed!"?
   d) perform oral sex on a seven year old male child?
   e) exercise Juvenile Court authority to demand and receive a copy of a Tennessee Dept of Human

2. e) Services child abuse complaint and interview specifying the Judge's child abuse, prior to answering any investigation questions?

f) systematically physically and emotionally abuse two children for over six months, and execute further ongoing abuse?

g) force an eight year old child to conduct telephone negotiations for that same child's visitation with the noncustodial parent?

h) repeatedly withhold Court ordered child visitation, including withholding Christmas day 1995 visitation?

i) repeatedly demand legal concessions in return for court ordered child visitation?

j) provide written direction to administer the Judge's prescription narcotics, to a child?

k) personally meet with the Chief Justice of the Tennessee Supreme Court to discuss the Chief Justice's personal selection of a Trial Court Judge to hear personal litigation?

l) obstruct and/or prevent an INITIAL trial hearing on an ex parte restraining order for SIX months?

m) repeatedly file fraudulent pleadings with the courts?

n) use Juvenile Court authority to direct a local public school to violate the US Family Educational Rights and Privacy Act of 1974 by withholding records from a parent?

2. o) use Juvenile Court authority to attempt to bar the local press from the open trial where the judge was a litigant?

p) award a staff promotion and pay increase to a county employee staff member who provided numerous free personal services including housing, catering, babysitting and property storage for the Judge as well as conduct personal investigations for the Judge?

q) personally deny Trial Court pleadings a month AFTER being served legal process of prosecution and withdrawing from the subject case?

r) repeated failure to follow TN Rules of Civil Procedure?

s) interrupt a witness' testimony when that testimony begins to describe situations damaging to the litigant Judge's situation?

t) obstruct a second witness' testimony concerning a Judge's performing oral sex on a male child?

u) implement an ex parte permanent restraining order without benefit of a hearing, then state that a complaint to the TN Court of the Judiciary about the Judge's behavior is a direct violation of that gag order?

v) gag a Plaintiff and threaten sanctions for talking or writing about documented child abuse, then schedule and cancel Plaintiff a hearing on the gag order and ongoing child abuse due to the failure to state a cause of action.

2. w) conduct admitted private discussions with the litigating Judge's attorney?

x) explicitly refuse to release public records as required by Tennessee law?

If Judges are not afforded preferential treatment or immunity for this described witnessed and/or documented misconduct, and one of the described judges supervises the TN Court of the Judiciary which has demonstrated it WILL NOT actively investigate Judicial misconduct, then will the Supreme Court of the United States intervene to review or direct review of Plaintiff's case?

3. Can investigators for the Tennessee Court of the Judiciary conduct a proper investigation of judicial misconduct as is required by their authorizing legislation without asking any questions? The investigators for the Tennessee Court of the Judiciary will accept a complaint, but fails to ask the complainant any questions concerning the described misconduct.

The Tennessee Court of the Judiciary states that an anonymous reviewer for the Tennessee Court of the Judiciary decides if a complaint is valid and reasonable to present to the Tennessee Court of the Judiciary. Does such review and dismissal provide constitutional due process for judicial misconduct?

If the TN Court of the Judiciary investigation and anonymous reviewer fails to provide due process for judicial misconduct charges, will the US Supreme Court

3. intervene to correct the situation? Even when the accused judges FAIL TO DENY THE ALLEGATIONS, as demonstrated by Tennessee Chief Justice Riley Anderson, the TN Court of the Judiciary dismisses the charges against them.

4. Does the US Constitution's Sixth Amendment entitle litigant a speedy trial? The TN Court of Claims fails to schedule and or act for over fourteen months on a properly filed legal claim against the state of Tennessee for Judicial misconduct. Furthermore, the Tennessee Court of the Judiciary has failed to pursue legally filed complaints of judicial misconduct for some twenty months.

5. Does the US Constitution's Fourteenth Amendment entitle litigant to a decision on a properly filed complaint and motions? The Tennessee Trial Court, Appeals Court and Supreme Court refuse to hear a child abuse complaint and fail to rule on a motion to remove an ex parte, fraudulently secured and unconstitutional gag order.

6. Does the US Constitution's Eight Amendment entitle minor child litigants to protection from the ongoing sexual, physical and emotional child abuse from a sitting Juvenile Judge? The Tennessee Trial Court, Appeals Court and Supreme Court rulings reflect that it is more important to protect the Tennessee Judiciary's reputation then to even investigate that a Tennessee Juvenile Judge is a witnessed child molester.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Petitioners include:
James Garrett Hess (minor child) by next friend Earl Gene Hess Jr. and

Elizabeth Grace Hess (minor child) by next friend Earl Gene Hess Jr.

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TABLE OF AUTHORITIES CITED

CASES

Unknown v. David Lanier (Chancery Court Judge Dyersburg, TN) Supreme Court of the United States decision of March 31, 1997 unreported as of this date

(Plaintiff apologizes to the Court for his inability to provide a complete citation, as a request to the Court's clerk for a copy of this ruling is to date unanswered.)

STATUTES AND RULES

United States Constitution and Constitutional Amendments I, IV, V, VI, VIII and XIV.

US Family Educational Rights and Privacy Act of 1974

US Code, Title 21 Food and Drug, Chapter 13 - Drug Abuse and Prevention Control

Tennessee Code Annotated

T.C.A 17-5-302	Judicial Offenses
T.C.A. 39-16-402	Official Misconduct
T.C.A. 39-16-403	Official Oppression
T.C.A. 39-15-401	Child Abuse and Neglect
T.C.A. 37-1-403	Reporting of brutality, abuse, neglect or child sexual abuse
T.C.A. 39-16-507	Coercion of witness

Tennessee Rules of Civil Procedure

Tennessee Board of Professional Responsibility Rules

Tennessee Code of Judicial Conduct

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1996

PETITION FOR WRIT OF CERTIORARI

Petitioner Earl Gene Hess Jr. respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix page 1 to the petition and is unpublished.

The opinion of the United States district court appears in Appendix page 81 to the petition and is unpublished.

The opinion of the highest state court to review the merits appears at Appendix page 3 to the petition and is unpublished.

JURISDICTION

On November 19, 1996 the United States Court of Appeals for the Sixth Circuit affirmed the judgement of the United States District Court. No petition for rehearing was timely filed in my case.

On November 27, 1995 the Tennessee Supreme Court refused to hear an appeal of the Anderson County Chancery Court's decision. A copy of that decision appears at Appendix page 3.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution and Constitutional Amendments I, IV, V, VI, VIII and XIV. (Not included)

US Family Educational Rights and Privacy Act of 1974 (Not included)

Tennessee Rules of Civil Procedure (Not included)

Tennessee Board of Professional Responsibility Rules (Not included)

Tennessee Code of Judicial Conduct (Not included)

US CODE, TITLE 21 FOOD AND DRUG, CHAPTER 13 DRUG ABUSE AND PREVENTION CONTROL, Subchapter I Control and Enforcement, Part C - Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances, Section 829. Prescriptions, Paragraphs (a) and (b) (Not included)

TENNESSEE CODE ANNOTATED (T.C.A) 17-5-302 JUDICIAL OFFENSES (Not included)

T.C.A. 39-16-402 OFFICIAL MISCONDUCT (Not included)

T.C.A. 39-16-403 OFFICIAL OPPRESSION (Not included)

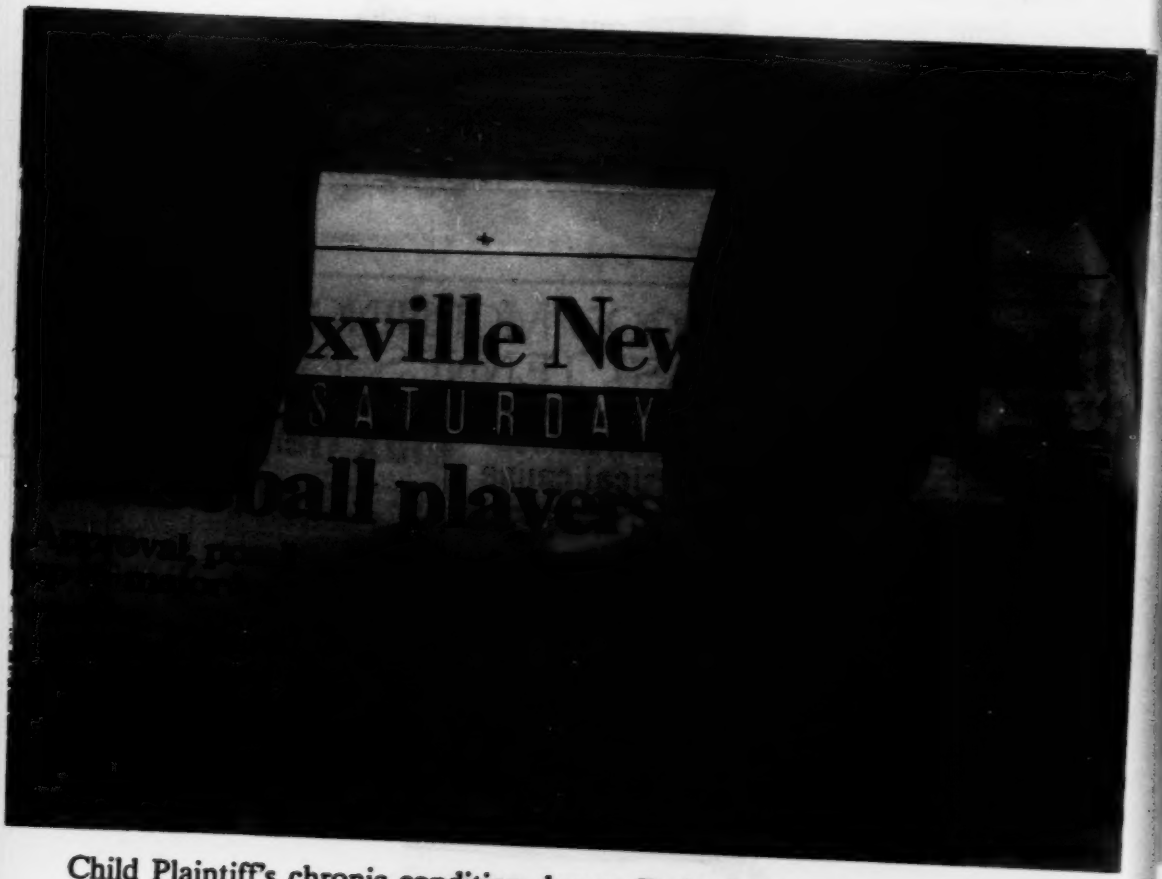
T.C.A. 39-15-401 CHILD ABUSE AND NEGLECT (Not included)

T.C.A. 37-1-403 REPORTING OF BRUTALITY, ABUSE, NEGLECT OR CHILD SEXUAL ABUSE (Not included)
T.C.A. 39-16-507 COERCION OF WITNESS (Not included)

STATEMENT OF THE CASE

In April 1994, Defendant Patricia Louise Hess, Esq., a sitting Juvenile Court Judge for the State of Tennessee, County of Anderson initiated divorce proceedings against Plaintiff Earl Gene Hess Jr.

Defendant Patricia Louise Hess initiated an illegal/unethical exercise of her Juvenile Court authority in numerous examples described in Appendix page 4, Tennessee Court of the Judiciary Complaint, to deny minor children Plaintiffs their constitutionally protected civil rights, including but not limited to Defendant's sexual, physical and emotional abuse of



Child Plaintiff's chronic condition due to Defendant's neglect.

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those children (appendix pages 36 and 74). Such abuse was well documented and to paraphrase the divorce trial court judge ...these pictures are extremely graphic. This same abuse continues unabated and is even encouraged by the denial of Plaintiff's right to due process by the Tennessee Judiciary.

Furthermore, Defendant Patricia Louise Hess has used her judicial authority and position to deny Plaintiff Earl Gene Hess Jr. his constitutionally protected civil rights including, but not limited to freedom of speech at political functions, personal interrogation and property seizure without cause, and denial of due process.

Defendant Patricia Louise Hess has furthered her illegal/unethical behavior by conducting private meetings with her former employer, personal friend and mentor Chief Justice Riley Anderson of the Tennessee Supreme Court. Subsequently, Justice Anderson personally selected a judge on behalf of Defendant Judge Patricia Louise Hess.

As also detailed in Appendix page 4 Tennessee Court of the Judiciary Complaint, Defendant Earl Gene Hess Jr. has been systematically denied constitutionally protected civil rights of due process by Tennessee Trial and Appellate Courts in an effort to protect the reputation of the Tennessee Judiciary. In particular, each and every time that a complaint, hearing or witness testimony approaches describing Defendant Patricia Louise Hess' sexual molestation and physical child abuse, the presiding Tennessee judge has dismissed the respective complaint, cancelled the hearing or obstructed the witness testimony.

The Tennessee Judicial system has so completely stonewalled any effort to shed light on a sitting Juvenile Judge as a child sexual molester, that Trial Court Judge Henley implemented an ex parte gag order on Plaintiff for speaking at a political action committee (Appendix pages 45, 54, 55, 67, 56 and 60) and then provided his written opinion that Plaintiff has violated that gag order by complaining about Judge Henley's misconduct to the Tennessee Court of the Judiciary.

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Justice Henley's misconduct has extended to dismiss a legal motion THREE WEEKS AFTER HIS WRITTEN RECUSAL (Appendix pages 63 and 65).

Plaintiff Earl Gene Hess Jr. has by both original legal complaint, motions, and appeals objected to the systematic denial of Plaintiffs' civil rights by the Tennessee Judiciary. Plaintiffs' efforts are met with dismissal, the canceling of hearings, interruption of oral argument to announce verdict at the Tennessee Appeals Court, and/or the absolute ignoring of legal pleadings (Appendix page 71).

Plaintiffs description of actions of the Tennessee Judiciary are not isolated events. However, since the Tennessee Judiciary conducts extremely limited investigations of complaints, destroys all records of complaints not politically acceptable, and secrets the outcome of what few actions do come to fruition, Plaintiffs are limited to a very recent Supreme Court of the United States ruling and to provide a newspaper account of recent Tennessee Supreme Court judicial misbehavior. As demonstrated by the Supreme Court of the United States decision of March 31, 1997 in Unknown v. David Lanier; a Tennessee Chancery Court Judge was convicted of inappropriate sexual conduct with multiple litigants in active cases in his court. Furthermore, as reflected in Appendix page 24, a former Tennessee Supreme Court Justice Penny White publicly demanded to know why the Tennessee Attorney General was not prosecuting a political action committee critical of Justice White. This flagrant ignoring of judicial ethics was returned to Justice White with her subsequent ouster from office by a popular vote WHICH THE SAME TENNESSEE SUPREME COURT ATTEMPTED TO QUASH, BUT THE US DISTRICT COURT OVERTURNED.

As Plaintiff's stated in their original complaint to the US District Court (Appendix page 27), the Tennessee Judiciary has more than adequately proven that to protect their reputation the judiciary refuses to adhere to United States and

Tennessee laws and Plaintiff is forced to turn to the Supreme Court for relief. The US District Court Memorandum opinion of Plaintiff's complaint (Appendix page 81) specifically states that Plaintiff complaint is not frivolous or unfounded, but only that the court lacks jurisdiction and is forced to dismiss (Appendix page 91).

In the interest of judicial economy, Plaintiffs will ask that the court review the appendix to Plaintiff's US Sixth Circuit Court of Appeals Brief rather than recite their contents herein. Plaintiffs would further ask the court to forgive Plaintiff's lack of legal expertise and unintentional mistakes, and instead note the care and diligence Plaintiffs have devoted to working within the Tennessee Judiciary to pursue a halt to the ongoing child abuse by Defendant against the minor children, while the Tennessee Judiciary flagrantly ignores the law.

REASONS FOR GRANTING THE PETITION

I. Supreme Court of United States ruling of March 31, 1997 concerning Unknown v. David Lanier (Former TN Chancery Court Judge) clearly signaled that the Judiciary does not have immunity to prosecution for violations of US Constitutionally protected civil rights.

II. The actions demonstrated by the Tennessee Courts are clearly not only inconsistent with, but possibly border on outright contempt for the United States Constitutionally protected civil rights, the Tennessee Code, Tennessee Rules for Civil Procedure and Tennessee Rules of Judicial Conduct.

III. Where in a properly operating Tennessee Judiciary the Tennessee Court of the Judiciary would investigate and prosecute misconduct, Plaintiffs have provided evidence that this Tennessee Court is unduly influenced to properly investigate complaints against members of the Tennessee Supreme Court or their protegees. Furthermore, the investigators for this same Court fail to properly ask questions to investigate complaints about lower court officials. The very nature of the organization of the Tennessee Court of the Judiciary subjects a complainant to the subjective decision of an anonymous reviewer who determines the validity of a complaint and is improperly empowered to dismiss the complaint. With absolute judicial immunity, due process for judicial misconduct is thereby denied.

IV. The US District Court opinion has even noted that Plaintiffs complaint is not frivolous or unfounded, but only that the District Court lacked jurisdiction.

IV. Judicial influence and immunity should not provide a license for child sexual molestation and ongoing child abuse.

CONCLUSION

This case is of national importance. Sacrificing civil rights is not a reasonable price to pay to protect the reputation of the Judiciary from the exposure that a child sexual molester is a sitting Juvenile Judge. Instead of executing a program to protect the child abuser, the Judiciary should have promptly taken action to investigate the original allegations and otherwise follow the law.

Plaintiffs have never questioned the constitutionality of any of the aforementioned laws, statues, and regulations. Plaintiffs only present the question of whether Tennessee Judges are afforded immunity for violating those laws, and ask for relief in the form of: an impartial trial, free from the influence of a corrupt Tennessee Judiciary and a proper independent investigation of the described judicial misconduct.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Earl Gene Hess Jr. PE

Earl Gene Hess Jr. PE

Date: May 9, 1997

App. 1

No. 96-5202

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARL G. HESS, JR.; JAMES G. HESS; Minor nfr Earl G. Hess Jr.; ELIZABETH G. HESS, Minor nfr Earl G. Hess Jr.,

Filed
Nov 19, 1996

Plaintiffs-Appellants,

v.

ORDER

PATRICIA L. HESS

Defendant-Appellee.

Before: CONTIE, SUHRHEINRICH, and MOORE, Circuit Judges.

Earl G. Hess, Jr. a Tennessee citizen, appeals pro se and purportedly on behalf of his two minor children a district court order dismissing for lack of subject matter jurisdiction a complaint which he filed. This case has been referred to a panel of the court pursuant to Rule 9(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

Hess filed a document which named his ex-wife as a defendant and which stated that he and his children "would appeal their state civil cases to the U.S. District Court." He

sought review of a child custody decision awarding custody of the children to his ex-wife. The district court sue sponte dismissed the action for lack of subject matter jurisdiction. Hess appealed and has filed a motion to consider new evidence.

This court reviews de novo dismissals for lack of subject matter jurisdiction. Duncan v. Rolm Mil-Spec Computers, 917 F.2d 261, 263 (6th Cir. 1990). The record in this case reveals that dismissal was proper. District courts have no authority to review final judgments of a state court. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).

Accordingly, all pending motions are denied and the district court's order is affirmed. Rule 9(b)(3), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

LEONARD GREEN
Clerk

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

EARL GENE HESS, JR., A CITIZEN OF KNOX COUNTY, TN 11808 MIDHURST DR., FARRAGUT, TN 37922 AND JAMES GARRETT HESS AND ELIZABETH G. HESS (MINORS) BY NEXT FRIEND EARL GENE HESS, JR.,

FILED
95NOV27

Plaintiffs-Appellants,

v

Anderson County, No. 03A01-9509-CH-00303

PATRICIA LOUISE HESS

Defendant - Appellee.

ORDER

The Rule 10 application for permission to appeal has been considered by the Court. It is the decision of the Court that the application should be denied.

PER CURIAM

TENNESSEE COURT OF THE JUDICIARY
COMPLAINT

ACCUSED

Chancellor William E. Lantrip, Anderson County
Chancellor Conrad Troutman, Campbell County
Chancellor Earl H. Henley, McMinn County
Juvenile Judge Patricia Louise Hess, Anderson County
TN Dept of Human Services Investigator Kathy Whetstone
- TN District Attorney's Investigator Audra Gibson, Anderson County
Supreme Court Chief Justice Riley Anderson
Senior Judge John K. Byers
attorney Ronald H. Ridenour, #5274

GROUNDS

VIOLATION OF:

- US Constitutionally protected civil rights as defined by Constitutional Amendments I, IV, V, VI, VIII and XIV.
- T.C.A. 17-5-302 Judicial offenses,
- T.C.A. 39-16-402 Official Misconduct,
- T.C.A. 39-16-403 Official Oppression,
- T.C.A. 39-15-401 Child Abuse and Neglect,
- T.C.A. 37-1-403 Reporting of brutality, abuse, neglect or child sexual abuse,
- T.C.A. 39-16-507 Coercion of witness,
- T.C.A. 36-6-301 Grandparent Visitation Rights.

- TN Board of Professional Responsibility Rules
- TN Code of Judicial Conduct
- Racketeering Influenced and Corrupt Organizations (RICO) law.

FACTS

That on April 18, 1994 Chancellor Lantrip signed a restraining order presented by Juvenile Judge P.L. Hess against Earl G. Hess Jr. Chancellor Lantrip has a personal and political relationship with Judge P.L. Hess, and by TN Supreme Court Rules of Judicial Conduct is required to recuse himself. Chancellor Lantrip extended his unethical intervention and also included approval of a supplemental order hand written by Judge P.L. Hess. Such order violated Mr. Hess' civil rights in that the order was overly broad in that it prohibited Mr. Hess from any contact with his children without adequate grounds or proof, and also provided the COMPLETE and ABSOLUTE seizure by Judge P.L. Hess of their joint marital property, Mr. Hess' personal property including clothing and US Department of Energy property (Reference evidence attachment 1).

That upon Chancellor Lantrip's recusal, he personally selected and ordered his own replacement, Chancellor Conrad Troutman, to be prejudicial for Judge P.L. Hess (case #94CH1770), again violating rules of judicial conduct.

That on or about May 11, 1995 Chancellor Lantrip instructed his secretary to refuse to talk with Mr. Hess,

thereby, denying Mr. Hess the same county services provided to other citizens and lawyers.

That contrary to constitutional requirements of a speedy trial, from approximately June 1, 1994 through September 30, 1994 Chancellor Conrad Troutman refused to provide due process of an **INITIAL HEARING** on the overly broad restraining order against Mr. Hess. NUMEROUS telephone calls and letters diligently seeking a preliminary hearing were made by Knoxville attorneys Patrick Phillips and Marty McDonald. Per both attorneys, Chancellor Troutman refused to provide any response.

That Mr. Hess' children were denied equal protection under the law by Chancellor Troutman's refusal to schedule a hearing and during this period these children were subjected to cruel and unusual punishment by allowing the extensive ongoing sexual molestation, physical abuse and medical neglect of Mr. Hess' children (Reference evidence attachment 2).

That Chancellor Troutman's hearing refusal subjected Mr. Hess' to an illegal taking of his family, home, and property without due process of the required hearing, thereby, also subjecting Mr. Hess to cruel and unusual punishment.

That Chancellor Troutman illegally failed to report to TN Department of Human Services the child abuse which had been reported to him in his official capacity and required by both Judicial Code of Conduct and T.C.A. 37-1-403.

That in the process of a two hour consultation Mr. Hess had with a Campbell County attorney, Mr. Hess was advised that Chancellor Troutman has a history of such behavior and

would wait several months, refusing to take action, before he would return the case to Anderson County. Specifically, Mr. Hess was advised that Chancellor Troutman's fishing schedule took precedence over his Court schedule and Chancellor Troutman never allowed anyone to see his court schedule.

That contrary to state law concerning open public records, Ms. Norma Conklin was refused any information concerning Chancellor Troutman's Campbell County Chancery Court schedule.

That from approximately **May 1994 through September 1994** Mr. Hess' minor children were continuously subjected to abuse by Judge P.L. Hess' **denial of medical treatment for:**

- physician directed over the counter medical treatment for extensive cracked and bleeding of both feet of daughter,
- extensive cracked and bleeding of both feet of son,
- numerous wounds to both children's legs due to untreated flea infestations,
- refusal of Judge P.L. Hess to seek treatment for son's middle ear infection approximately June 1994,
- son's repeated underarm galling from lack of bathing,

That Judge P.L. Hess also mentally abused the children through a pattern of sleep deprivation which resulted in the son regularly falling asleep in public school.

That such child abuse continues with Judge P.L. Hess refusing daughter treatment for cracked and bleeding feet in March 1995 (reference photo evidence attachment 3), new extensive flea bites as photographed on June 1, 1995 (reference photo evidence attachment 4), withholding physician

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prescribed allergy medication (Nasacort) for son approximately March 1995, and July 30, 1995, and denying medical treatment for extensive cuts of questionable origin across the son's left leg on July 30, 1995.

That Judge P.L. Hess further obstructed legal discovery and documentation of ongoing child abuse by denying Mr. Hess standard summer child visitation, contrary to the Divorce Decree which states "...that Earl Gene Hess, Jr. has a deep affection for his children, and should have more than the average visitation rights..."(Reference evidence attachment 5).

That approximately December 1994 Judge P.L. Hess emotionally abused the minor children when she took them to an all adult party provided by Juvenile Court staffer Pat Swinney and subjected minor son to the public humiliation of being given an adult sexual toy.

That approximately May 1994 Judge P.L. Hess and/or her staff advised the Clinton City School administration that contrary to US Family Educational Rights and Privacy Act of 1974, NO information was to be provided to Mr. Hess concerning his children except a report card.

That approximately May 1994 Judge P.L. Hess summoned Mr. Hess to her chambers where she conducted an interrogation of Mr. Hess while Mr. Hess was under armed guard of a Sheriff's deputy (deputy is the husband of Judge Hess' receptionist).

That in June 1994 Judge P.L. Hess obstructed the legal operation of Mr. Hess' vehicle by blocking the leaving of a parking lot, beating upon the vehicle and attacking the

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occupants. Mr. Hess was forced to lock himself in the vehicle and blow the horn to solicit the summoning of the Clinton City Police to restrain Judge P.L. Hess. Upon arrival of the police, Judge Hess immediately identified herself, and Mr. Hess' was detained by the police until Mr. Hess' submitted to Judge Hess' interrogation.

That from approximately May 1994 through September 1994 Judge P.L. Hess demanded legal concessions in return for child visitation. When further concessions were not provided to her Judge P.L. Hess on five separate occasions incrementally reduced or denied court ordered visitation.

That on or about September 28, 1994 Judge P.L. Hess finally conceded basic child visitation (some 3 days before an initial hearing), and that on or about October 2, 1994 an initial hearing was conducted. In that hearing **Chancellor Henley denied Plaintiff due process by summarily refusing Plaintiff's counsel from addressing the ongoing child abuse, the withholding of child visitation and the unilateral cutting of child visitation by Judge P.L. Hess in direct relation to Mr. Hess refusing to make legal concessions to her**. Chancellor Henley further **refused to rule** on Plaintiff's motion to hold Judge P.L. Hess in contempt of court for numerous denials of the minimum 9 hours per week visitation.

That approximately November 1994 Judge P.L. Hess and/or attorney R.H. Ridenour tampered with document evidence. Such evidence consisted of FAX communications between Bobby Caldwell and Judge P.L. Hess concerning how the Anderson County Juvenile Judgeship was created, and

sales receipts for marital property in litigation. These documents were witnessed by both Mr. Hess and attorney Marty McDonald.

That approximately November 1994 Judge P.L. Hess attempted to bribe and/or coerce the testimony of Mrs. Thelma Moore.

That approximately March 1994 Judge P.L. Hess was witnessed sexually molesting her son by attempting to perform oral sex on the child (Reference attachment 6, Earl Gene Hess Jr. affidavit). That on or about December 10, 1994 attorney Marty McDonald conducted an interview of the young man who described in graphic detail the sexual molestation of the young man by Judge P.L. Hess. Mr. McDonald contacted the TN Department of Human Services (DHS) with a formal child abuse complaint. This young man has also described that Judge Hess has repeated her pedophile behavior since the divorce action.

That on or about December 26, 1994 Mr. McDonald had to contact upper managers of DHS to FORCE the department to initiate an investigation. Minor children were being denied equal protection under the law.

That on December 30, 1995 Mr. Earl Hess met with DA Investigator Mr. Audra Gibson and DHS Investigator Kathy Whetstone to review the child abuse evidence. Mr. Hess spent some two hours reviewing photos and other documentation of the child abuse. Ms. Whetstone audio taped the entire session and Mr. Gibson promised he would provide Mr. Hess a copy of those audio tapes.

That on or about December 30, 1995 Judge P.L. Hess, the witnessed child molester and abuser, acting in her official office demanded Ms. Whetstone and/or Mr. Gibson to provide complete copies of the confidential child abuse interview audio tapes to her. In violation of DHS rules and state law, Ms. Whetstone and/or Mr. Gibson provided the audio tapes and thereby the confidential identity of the complaint originator and all abuse details and evidence to the accused child molester. This action also violated constitutional equal protection of the minor children.

That Ms. Whetstone and/or Mr. Gibson failed to interview the molested child until some ten days later when again attorney McDonald contacted upper managers of DHS to FORCE action. That during that extended delay, Judge P.L. Hess emotionally abused and attempted to coerce the testimony of son by intimidating him. Again, minor children's equal constitutional protection is violated.

That Judge P.L. Hess on or about April 12, 1995 continued her emotional abuse of minor children Plaintiffs by again telling them Mr. Hess didn't want to see them.

That on or about January 9, 1995 Ms. Whetstone in a telephone conversation with Mr. Hess stated that she had asked son "If his Mother had ever touched him inappropriately before." On January 16, 1995 during the course of discussing son Plaintiff's question of "why can't I talk to the Judge?", son stated that he did not know what the word "inappropriately" meant.

****

THAT ON OR ABOUT JANUARY 1995 JUDGE P.L. HESS SAT AS ANDERSON COUNTY JUVENILE JUDGE IN THE ANDERSON COUNTY CHILD ABUSE INVESTIGATION TEAM AND PROVIDED SUMMARY DISMISSAL OF THE CHILD MOLESTATION AND ABUSE COMPLAINT WHERE JUDGE P.L. HESS WAS THE ACCUSED CHILD MOLESTER/ABUSER (Reference attachment 7). Again minor child Plaintiffs are denied equal protection from abuse under the law, as well as Judge P.L. Hess violating legal and ethical requirements.

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That on or about January 16, 1995 at trial, Chancellor Henley allowed the complete testimony of Judge P.L. Hess' "exterminator lady" (testimony omitted from his Judicial opinion), but halted and obstructed the child abuse witness testimony of the paternal grandmother Mrs. D.J. Hill. Chancellor Henley further proceeded to refuse the testimony of son Plaintiff on his own behalf, and in a chambers conference intimidated attorney Marty McDonald to instruct Mr. Earl Hess that "the Judge has already decided" thereby suppressing further witness testimony.

That on January 13, 1995 Chancellor Henley further intimidated Mr. Hess that the public press viewing the divorce trial was not allowed and the press reporter appearance would be held against Mr. Hess. Again numerous legal and ethical violations.

That on or about January 13, 1995 in trial testimony Chancellor Henley heard Judge P.L. Hess' admit acting as Judge to dismiss the sexual abuse complaint against her, yet he

failed to report this illegal/unethical behavior or take action to further investigate the sexual, physical and emotional abuse.

That on January 13, 1995 Judge P.L. Hess was witnessed confronting a press reporter, demanding that the reporter could not enter the divorce courtroom.

That approximately February 1995 Juvenile Judge P.L. Hess demanded an ex parte unconstitutional temporary gag order of Plaintiff Earl Hess where her supporting affidavit even specifies Mr. Hess was exercising his First Amendment right to freely participate in a political event. Chancellor Henley approved this unconstitutional order and included a letter describing his intent for full enforcement (Reference evidence attachment 8).

That approximately March 1995 with neither notice of a hearing or a hearing, Judge P.L. Hess and/or attorney R.H. Ridenour ex parte and fraudulently presented a unconstitutional permanent gag order of Mr. Hess which Chancellor Henley signed (Reference evidence attachment 9). Such gag orders also constituted cruel and unusual punishment of Mr. Hess and minor children in that they had no recourse for relief of the ongoing child molestation and abuse.

That Mr. R.H. Ridenour has provided false and misleading information to the Court that an agreement was made between the parties concerning ANY gag order (Reference attachments 10 and 11, Motion to dismiss motion to remove gag order and affidavit of Marty McDonald).

That the divorce opinion (case #94CH1770) issued by Chancellor Henley identified the marital and seperate property for Judge P.L. Hess and Mr. Hess' marital property as defined by Judge P.L. Hess and absolutely none of the extensive

separate/premarital property of Mr. Hess. Further requests for clarification by attorneys for both litigants still yielded NO list of separate/premarital property for Mr. Hess.

That the Divorce Decree submitted by attorney Ridneour and signed by Chancellor Henley went significantly beyond the opinion, by decribing reduced parental authority for Mr. Hess and assigning major marital assets to Judge P.L. Hess which were never mentioned in the opinion. The divorce decree submitted by attorney Marty McDonald was identical or nearly identical to the issued judicial opinion.

That on May 3, 1995 Chancellor Henley recused himself from Mr. Hess' litigation, and his replacement Judge Byers was named by TN Supreme Court Justice Riley Anderson (Reference evidence attachments 11 and 12). With full knowledge and legal summons process served on Chancellor Henley on or about April 27, 1995 that Chancellor Henley was named in state litigation by Mr. Hess, and Chancellor Henley had already recused himself, Chancellor Henley continued to unethically/illegally issue his opinion on Mr. Hess' Rule 59 Motion on May 3, 1995. Chancellor Henley on June 16, 1995 ignored his previous case recusal and Mr. Hess proposed order describing that it would be illegal and unethical for Chancellor Henley to take any further action (Reference attachment 12, proposed order) and illegally/unethically signed a Rule 59 Order dismissing Mr. Hess' motion (Reference evidence attachment 13, Order dismissing Rule 59 Motion).

That due to Supreme Court Justice Riley Anderson's extensive legal career in Anderson County he has a personal, financial and/or political relationship with Chancellors Lantrip, Troutman, and Henley, Judge P.L. Hess, and DA Investigator

Audra Gibson. Yet Justice Anderson ignored the TN Supreme Court Code of Judicial Conduct forbidding his involvement and on May 3, 1995 Justice Anderson named a new Judge prejudicial for the Defendants in Anderson County cases 95LA0170, 95CH3030, 95CH3043, 94CH1769 and 94CH1770 (Reference attachment 14, Supreme Court Order). That nearly a year after Judge Lantrip's recusal he continues signing orders affecting the case (Reference attachment 15, Order naming John Byers as judge).

That on July 6, 1995 Judge John Byers provided summary dismissal of Mr. Hess' Circuit Court case #95LA0170 without due process of the complaint or addressing motions to:

- remove the unconstitutional gag order (Reference attachment 16, Motion),
- request a Judge from outside the East TN area (Reference attachment 17, Motion),
- for Judicial Review and opinion of Justice Riley Anderson's intervention and therefore, Judge Byers authority (Reference attachment 18, Motion), and
- unsealing and distribution of Plaintiff's affidavit supporting complaint, and

Summary judgement was made without Plaintiff Earl Hess ever being served copies of any response by Defendants Henley, Lantrip, et al to the original complaint.

That on July 6, 1995 Judge John Byers provided summary dismissal of Mr. Hess' Chancery Court case #95CH3043 without due process of the complaint or addressing motions to:

- remove the unconstitutional gag order,
- review of ongoing child abuse SINCE the divorce trial, [in case # 95CH3030 Judge Byers denied the complaint

and stated that more appropriate avenues for relief were available (Reference attachment 19, case #95CH3030 final order)]

- contempt motion for denial of child visitation on April 28, 1995 (Reference attachment 20, Motion),
- force Defendant P.L. Hess to provide decreed "more than standard visitation",
- minor children Plaintiffs' new complaint for grandparent visitation (Reference attachment 21, Motion),
- restrain Defendant P.L. Hess from her alimony extraction process,
- Judicial Review and opinion of Justice Riley Anderson intervention, therefore, Judge Byers authority, and
- unsealing and distribution of Plaintiff's affidavit supporting complaint.

That on July 6, 1995 Judge John Byers provided summary dismissal of Plaintiff Earl Hess' Chancery Court motions (case #94CH1770) without due process of motions to:

- remove the unconstitutional gag order,
- that Defendant Henley Rule 59 Order is illegal/unethical,
- reconsider Defendant Henley Rule 59 Order (Reference attachment 22, Motion),
- reconsider order dismissing motion for contempt (Reference attachment 23, Motion)
- Stay of Proceedings to Enforce a Judgement (Reference attachment 24, Motion), and
- Judicial Review of Justice Riley Anderson intervention, and therefore, Judge Byers authority.

That during Judge P.L. Hess' service as Judge she has demanded and/or received numerous unethical personal and

financial gifts and services from Anderson County Juvenile Court employee Pat Swinney including, but not limited to: room, board, property storage, social and political parties, catering, daycare in the courthouse, daycare at Swinney's residence, child transport, personal investigation services, etc. Judge P.L. Hess rewarded such gifts and services with the promotion of Ms. Swinney approximately October 1994 to Chief of Staff and an accompanying 18% raise in salary.

That Judge P.L. Hess has provided false and misleading information to NBC Bank concerning an Equity Credit Line which Mr. Hess opened, paid off and attempted to close. Judge Hess has directed NBC bank to return Mr. Hess' excess payoff to her and Mr. Hess is to remain liable for any debts credited to the account.

That approximately 1989 when Judge P.L. Hess was Anderson County Juvenile Referee, she conducted the marriage of several citizens when she had no legal authority. Judge P.L. Hess conducted several of these "ceremonies" as part of her Court Orders authorizing the marriage of minors.

That Judge P.L. Hess has frequently bragged about her authority and Judicial training in that she has learned not only all the correct questions to ask about a juvenile crime, but also all the right answers. Such training affords Judge P.L. Hess an extensive advantage to propagate her ongoing witnessed pedophile tendencies.

That on or about 1990 Judge P.L. Hess fabricated and propagated a derogatory and slanderous story that Judge Jennings Meredith was creating the Anderson County Juvenile Court Judgeship as a political and/or financial payoff (Witnessed by Judges Jennings Meredith and Ron Murch).

That Judge P.L. Hess flaunts her disobeyance of even basic community laws including her waving at local law enforcement vehicle speed traps as she speeds by them, runs through stop signs, and ignores the renewal of her JUDICIAL vehicle registration, which consistently has been renewed months late and as of approximately June 1995 was expired by some three months.

Minor children have been repeatedly subjected to abusive and fraudulent behaviors by Judge P.L. Hess: (1) emotionally battering minor children by making promises to them and the paternal Grandparents to allow visitation with the paternal grandparents, (2) those grandparents depend on those promises and travel over 400 miles for visitation, then (3) Judge P.L. Hess refuses to allow visitation or limits visitation to as little as 4 hours (Reference attachment 25, affidavit).

Judge P.L. Hess has even gone so far as to frequently telephone the children's paternal relatives to confirm their travel plans to Knoxville and stated that she looked forward to the children visiting with those relatives. Upon those same relatives arrival to Knoxville, Judge P.L. Hess then refused that same visitation. Such denial was **FREQUENTLY AFTER THOSE SAME RELATIVES HAVE EXPENDED SIGNIFICANT TIME AND EXPENSE TO TRAVEL TO KNOXVILLE JUST TO VISIT WITH THE GRANDCHILDREN.**

In June of 1994, Judge P.L. Hess offered visitation with the paternal Grandmother then upon her arrival to Knoxville for some nine (9) days, Judge P.L. Hess allowed only visitation with the children on two Saturdays for six (6) hours each and a Tuesday for three (3) hours (Court Ordered minimum).

Even part of this visitation time required that the grandchildren be provided medical treatment for Judge P.L. Hess' physical abuse of the children. Reference evidence attachment 26, Dorothy Jean Hill affidavit which should be read as a verbatim part of this complaint.

In the case of the Paternal Grandfather, irregular business travel has allowed him to simply appear in Knoxville unexpectedly, and previously he always visited with the grandchildren. Judge P.L. Hess on or about January 16, 1995 explicitly told both paternal grandparents that she would allow visitation any time they wanted. However, when visitation is requested, Judge P.L. Hess now delays and entices the Grandparent to commit time and travel expenses, only to repeatedly refuse the Grandparent visitation upon their arrival. Additional detailed evidence of this situation and additional examples are offered in evidence attachment 27, Earl Gene Hess, Jr.' affidavit which should be read verbatim as part of Plaintiffs' complaint.

In the same manner that Judge P.L. Hess withheld child visitation over five months until some three days before a hearing was scheduled, Judge P.L. Hess also denied visitation with the paternal Grandfather until July 8, 1995 when a court hearing was scheduled for July 11, 1995.

Contrary to Code of Judicial Responsibility rules Judge P.L. Hess has admitted witnessing but not reporting numerous DHS violations at the La Petite Daycare in Oak Ridge, TN and the First Baptist Church daycare in Clinton, TN, including but not limited to allowing janitors to take care of babies, gross understaffing of 35 children to one adult, unsanitary conditions, child abuse, etc. (Reference TN DHS Bruce

Crabtree daycare report of La Petite in Oak Ridge, approximately spring 1994).

That attorney R.H. Ridenour knowingly provided numerous false and misleading legal pleadings to Chancery Court (i.e. #94CH1770 Response to Rule 59 Motion), provided legal advise to an opposing client, and directed abusive correspondence to an opposing client.

That Judge P.L. Hess, attorney R.H. Ridenour (#5274) and/or Chancellor Lantrip conducted private communications concerning the Hess v. Hess litigation.

That Judge P.L. Hess rather that using her attorney Dail R. Cantrell (#014780) representation, instead on August 23, 1995 demands the eight year old son call Mr. Hess to negotiate for divorce decreed child visitation.

That Judge P.L. Hess repeatedly emotionally abuses the children by confiscating the business cards and stamped/self addressed envelopes that Mr. Hess provides for the children's correspondence. Also per Clinton City Police dispatcher records, Judge Hess causes regular neighborhood disturbances with unfounded alarm and shooting distress calls.

That Judge P.L. Hess and her Juvenile Court staff have had a Federal suit filed against them in Knoxville, TN by Rannie R. Alsup (case # 3:93:0146) for civil rights violations. This case was accepted by Federal Court, but later dismissed as the pro se case failed to adequately prepare the complaint.

That Judge P.L. Hess and her Juvenile Court staff have been summoned into state litigation for failing to execute Judicial orders. Judge P.L. Hess personally admitted her guilt to the charges to Mr. Hess.

That Judge P.L. Hess regularly seeks out information on juvneile case specifics prior to any court action (i.e. Sheriff Shot at Shinliver School by Juvenile) and discusses her planned conviction and sentence.

That in particular due to Juvenile Judge P.L. Hess' experience and authority, she has grossly neglected and abused her position through numerous and repeated illegal and unethical activities contrary to the TN Code of Judicial Conduct and the Board of Professional Responsibility.

That the extent, magnitude and coordination of the official misconduct and oppression demonstrated by East TN Chancellors Lantrip, Conrad Troutman, Earl Henley and Judge P.L. Hess, demonstrate a pattern of racketeering and/or corrupt behaviors in the interest of suppressing and covering up the gross abuse, neglect and molestation of innocent children by a fellow sitting Judge and should be investigated as such together.

Complaintants demands for judgement:

1. a prompt and thorough Department of Human Services investigation into Judge P.L. Hess' ongoing child abuse,
2. a restraining order against the noted Judge's to prohibit any further abuse and oppression of the complainant or his children,
3. a thorough investigation of the noted complaints with respect to the violation of legal and ethical contraints beyond those noted here,
4. that criminal charges be filed and vigirously prosecuted as appropriate,
5. that Chief Justice Anderson's naming of Judge Byers as sitting Judge for all of complaintants litigation be found

unethical and illegal and be set aside as well as all of Judge Byers rulings on Mr. Hess' litigation,

6. that complaintant be provided adequate notice for attendance to all Court proceedings concerning this complaint,

7. such other, further and general relief as to which complaintants may be entitled.

EVIDENCE ATTACHMENTS

1. - case #94CH1769 Restraining Order
2. - photographs of ongoing child abuse
3. - case #95CH3030 complaint attachment
4. - photograph of June 1, 1995 physical abuse of son
5. - case #94CH1770 Divorce Decree
6. - Earl Gene Hess Jr. affidavit
7. - case #95LA0170 response to complaint
8. - Judge P.L. Hess motion for gag order, Chancellor Henley temporary gag order and cover letter threatening enforcement
9. - Chancellor Henley permanent gag order and cover letter
10. - case #95CH3430 Judge P.L. Hess motion to dismiss motion to remove gag order
11. - attorney Marty McDonald affidavit
12. - Mr. Hess' proposed order for Rule 59 Motion
13. - Chancellor Henley Order dismissing Rule 59 Motion
14. - Chief Justice Riley Anderson Order assigning Judge Byers
15. - Chancellor Lantrip order assigning Judge Byers
16. - Motion to remove the gag order
17. - Motion to request a Judge from outside East TN area
18. - Motion for ruling that Chief Justice Order was illegal and unethical
19. - case #95CH3030 Order dismissing the complaint
20. - Motion to enforce child visitation

21. - Motion to establish grandparent visitation
22. - Motion to reconsider Chancellor Henley Rule 59 Order as illegal and unethical
23. - Motion to reconsider motion for contempt
24. - Motion for stay of execution
25. - affidavit of Earl Gene Hess Sr.
26. - affidavit of Dorothy J. Hill
27. - affidavit of Earl Gene Hess Jr.

WITNESSES

Norma P. Conklin	office telephone (615) 576-7907
Dorothy J. Hill	home telephone (804) 424-0673
Earl G. Hess Sr.	telephone (901) 388-0394
Marty McDonald esq.	office telephone (615) 966-7665
Patrick Phillips esq.	office telephone (615) 546-0271
Mrs. Thelma Moore	home telephone (615) 945-3185
Judge Jennings Meredith	Courthouse telephone (615) 574-5400
Judge Ron Murch	Courthouse telephone (615) 574-5390
Mr. Bruce Crabtree	Knoxville, TN DHS Office

App. 24

Knoxville News-Sentinel, July 19, 1996, Page A1 and A6

Justice accused of rules violation
Lawyer for TCA drafting complaint
By Tom Humphrey Nashville bureau

Nashville - A lawyer representing the Tennessee Conservative Union contended Thursday that State Supreme Court Justice Penny White violated judicial ethics rules in criticizing the organization.

Nancy Alder, a Franklin lawyer, said she was drafting a formal complaint to file with the state Court of the Judiciary that claims White's comments reported in Thursday's edition of The News-Sentinel were "way out of bounds."

Alder cited as one example a provision in the Code of Judicial Conduct that says, "A judge should abstain from public comment about a pending or impending proceeding in any court."

Sad Alder: "That means she cannot say TCU's actions are illegal and a proceeding should be brought to shut it down."

In an interview earlier this week, White had asked in reference to TCU: "Why isn't the district attorney closing them down for running an illegal campaign? I don't like the idea that people can violate the law flagrantly and mislead individuals."

Political action committees formed by TCU and later declared defunct have been assessed some $30,000 in unpaid fines by the state Registry of Election Finance, or REF. The fines could eventually become the subject of a lawsuit if collection efforts are pursued.

TCU President John Davies said Wednesday that he has mailed a registration form for its newest PAV - devoted to opposing White's re-election - weeks after launching its campaign. He blamed a "clerical error" for the delay.

REF Director Peggy Catalano said Thursday that such a late filing will be brought to the attention of the REF board but will not necessarily result in a new fine being assessed.

White also had referred in an interview to the TCU's "extremist rhetoric" in its campaign, urging Tennesseans to vote against her in a yes-no referendum Aug. 1 on whether her term in office should be extended for two years.

That "paranoid" remark, Alder contended, runs counter to a rule declaring judges "should be unswayed by partisan interests public clamor or fear of criticism."

White could not be reached for comment Thursday.

Davies and TCU Chairman Lloyd Daugherty, meanwhile, continued to denounce White. In a news release, Daugherty claimed there is "a broad pattern of collusion" between White and Catalano.

Catalano said such a charge was untrue, and she has never even met or talked with White.

"Judge White wants citizens prosecuted for being a few days late filing a piece of paper, yet she has no problems with voting to let the rapist-murderer of a (77 year-old) woman escape the electric chair." Daugherty said.

Jerry Scott, a Murfreesboro lawyer and former appeals court judge who acts as "disciplinary counsel" for the Court of the Judiciary, said normal procedures call for him or a co-counsel to make an initial review of each complaint when filed. Alder said she hoped to file the TCU complaint today or Monday.

After gathering any additional needed information from the complainant and asking the judge for a response, the complaint is then presented to a panel of three Court of Judiciary members who decide if a full investigation is warranted.

When that is completed, the panel can either dismiss the complaint in confidential proceedings or bring formal charges against the judge, Scott said. Once charges are filed, the case becomes open to the public and can proceed through what amounts to a trial before a 12-member panel.

Punishment can range from a simple reprimand to the judge being suspended form office.

Scott said about 200 complaints are filed against judges each year, most dismissed as a matter of "the judge rules against someone, and he doesn't like it." Currently, about 18 or 20 cases have reached the "full investigation stage," he said.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT KNOXVILLE

PLAINTIFFS
Hess, Jr., Earl Gene individually, and James Garrett Hess and Elizabeth Grace Hess (minors) by next friend Earl Gene Hess Jr. 11808 Midhurst Dr. Farragut, TN 37922

Anderson County
Case Nos. 94CH1770, 95CH3043
TN Appeals Court
Cause No. 03A01-9509-CH-00303

Civil Action No. 3:95-CV-721

DEFENDANT
Hess, Patricia Louise
413 Cedar Circle
Clinton, TN 37716

APPEALS TO FEDERAL COURT ON CONSTITUTIONAL GROUNDS

STATISTICS

To the Plaintiff's knowledge, all Plaintiffs and Defendant are citizens of the United States, with residence and correct address to be served with process as follows:

RESIDENCE	ADDRESS TO SERVE PROCESS
Hess, Patricia Louise	Anderson County Courthouse
413 Cedar Circle	Juvenile Court
Clinton, TN 37716	Clinton, TN 37716

GROUNDS

Comes now the Plaintiffs in the above styled cause of action, and would appeal their state civil cases to the US District Court on the grounds that Plaintiffs have repeatedly been denied their constitutionally protected civil rights by the Tennessee Trial Courts. Furthermore, the TN Appellate Courts refuse to hear one of Plaintiff's appeals and in the second case demand Plaintiff to file his appellate brief before ruling on Plaintiff's motions affecting that same brief. Plaintiff would maintain that the described denial of civil rights has been an organized effort of several East TN Courts focused in order to protect the reputation of the East TN Judiciary from being sullied by the extensive witness and photographic evidence of the EMOTIONAL, PHYSICAL and SEXUAL CHILD MOLESTATION BY Defendant Juvenile Judge Patricia Louise Hess. The length and extent that Tennessee "Judicial Officers" have illegally and/or unethically abused their positions to protect a witnessed pedophile is at the sickening expense of the childrens' ONGOING abuse and neglect.

With the TN Supreme Court's refusal to hear Plaintiff's appeal, Plaintiff has exhausted all state court avenues for case number 94CH1770 to address constitutional issues and would specifically identify that during the state judicial system

processing of his civil case through the Trial and Appellate Courts, that Plaintiff's civil rights defined under Constitutional Amendments I, IV, V, VI, VIII and XIV have been violated. **First and foremost of these violations is an unconstitutional gag order, based specifically on Plaintiff's political activities, which explicitly forbids Plaintiff from in any form or fashion describing Defendant's child abuse and neglect. Plaintiff understands this gag order will be used to negatively sanction him for filing even this court complaint. Second of these violations is the Trial Court HALTING witness testimony of Defendant's child abuse, and REFUSING to allow a second witness to testify of Defendant performing oral sex on a male child and Defendant repeatedly being caught trying to sexual arouse the same child.**

Furthermore, Plaintiffs have been denied fourteenth amendment equal protection under state laws including:

T.C.A. 39-16-402	Official Misconduct
T.C.A. 39-16-403	Official Oppression
T.C.A. 17-5-302	Judicial Offenses,
T.C.A. 37-1-403	Reporting of brutality, abuse, neglect or child sexual abuse,
T.C.A. 39-16-507	Coercion of Witness

TN Board of Professional Responsibility Rules
TN Code of Judicial Conduct Rules

Plaintiff would also at this time petition this Honorable Court in the interest of Judicial economy to agree to combine the appeal of case number 94CH1770 with the appeal of Plaintiff's Anderson County Case No. 95CH3043. In the latter case Plaintiff has also been unconstitutionally gagged from protected free speech, and denied due process to even a hearing in Anderson County Case No. 95CH3043 to pursue

redress for crimes committed in violation of T.C.A. 39-15-401 Child Abuse and Neglect, Contempt of Court complaint, and the right to sue for visitation as defined in T.C.A. 36-6-301 Grandparent Visitation Rights. The 95CH3043 case is in the TN Court of Appeals which has demanded Plaintiff's submit their appellate brief PRIOR to the Court addressing motions: to reinstate Plaintiff's freedom of speech to prepare pleadings without fear of sanctions, for a protective injunctive order against Defendant's irrational and abusive behavior, and an injunctive order against Defendant's attorney for again failing to provide copies of pleadings to Plaintiff.

Both of Plaintiff's cases involve common litigants, ongoing child abuse and neglect, and the ongoing illegal and/or unethical Judicial conduct to protect a pedophile Tennessee Juvenile Judge.

FACTS

In the further interest of Judicial economy Plaintiff Earl Gene Hess Jr. includes a copy of his TN Court of the Judiciary Complaint and attachments concerning the illegal and/or unethical judicial behavior concerning case number 94CH1770. Plaintiff recognizes the Judicial immunity of these Judicial Officers and submits this sworn complaint as evidence of the gross illegal and/or unethical behaviors executed against Plaintiff which Plaintiff beliefs are more than adequate grounds that Plaintiff has been denied his constitutionally required fair and impartial trials and therefore is entitled to an appeal.

While the TN Court of the Judiciary to date refuses to respond as to their intent to fulfill their legislated responsibility to investigate Plaintiff's complaints, these complaints and all other attachments should be considered a verbatim part of Plaintiff's Federal appeal.

Plaintiffs maintain that the Trial Court essentially ignored the state laws concerning distribution of marital assets, and knowingly allowed Defendant to secret and destroy marital assets and confiscate Plaintiff's premarital property.

That in the Trial Court's written opinion, the Trial Court fails to mention Defendant's lead witness (the home exterminator lady) and also fails to award Plaintiff **ANY MARITAL PROPERTY.**

Furthermore, the Trial Court allowed Defendant to further enrich herself by writing the Divorce Decree to add marital assets never addressed by the Court's opinion, and restrict Plaintiff in ways never addressed by the Court's opinion.

Concerning Plaintiff's case number 95CH3043, Plaintiff has included copies of case pleadings and respective judicial orders to also be considered a verbatim part of Plaintiff's statement of facts in this appeal. The Court erroneously dismissed this case based on a non-specific complaint and res judicata. In Plaintiff's original Trial Court complaint Plaintiff clearly stated that the unconstitutional gag order restricted his stating specifics in his complaint. Plaintiff's complaint requests relief from this gag order, plus Plaintiff motioned for relief from this unconstitutional gag order, in order to allow Plaintiff to readily supply complaint specifics without the threat of sanctions. The Trial Court errored by IGNORING Plaintiff's untenable position and motion for a hearing to remove this gag order.

Furthermore, the Trial Court was already in possession of a April 1, 1995 graphic photograph and detailed dated description of Defendant's ongoing child abuse which occurred long after the 94CH1770 divorce trial. Plaintiff had also already provided notice to the Court of Defendant's attorney conducting private correspondence with the Court, failing to provide copies of pleadings to Plaintiff, and overwhelming evidence of Defendant's attorney committing perjury to the Court, yet again the Trial Court ignored this evidence and accepted the further perjured pleadings of Defendant's attorney. The Trial Court in effect convicted the minor Plaintiffs to the Court sanctioned and protected cruel and unusual punishment of the ongoing sexual molestation, and emotional and physical abuse and neglect by Defendant.

The Trial Court refused Plaintiff a hearing on his complaint that **the decree explicitly stated** that Plaintiff "...should have more than the average visitation rights." and Defendant denied that visitation. Plaintiff in case number 94CH1770 had already provided the **Trial Court with testimony specifically detailing Defendant denying Court Ordered visitation on five separate occasions in retaliation for refusing Defendant's explicit demands for property concessions.**

The Trial Court also ignored and/or refused to allow minor Plaintiff's due process action to sue for Grandparent visitation as allowed under T.C.A. 36-6-301.

Judge John Beyers illegally and/or unethically ruled on Plaintiff's motion questioning Chief Justice Anderson's personal, political and financial relationship with Plaintiff's litigants, circumstantial evidence of Justice Anderson conducting private meetings with Defendant, then Justice Anderson illegally and/or unethical naming Judge Beyers to hear all of Plaintiff's litigation.

In Plaintiff's pleadings to the Trial Court, Plaintiff repeatedly demanded his constitutional right to a hearing on the issues. The Trial Court set a hearing date of July 11, 1995 then dismissed the entirety of Plaintiffs' complaint and motions prior to the hearing date. The Trial Court never stated that Plaintiffs were limited to a written presentation of their complaint, and especially in light of the complexity of the issues and Plaintiff's lay legal experience, the Trial Court again denied Plaintiff their constitutional fourteen amendment right to due process.

That Plaintiffs have consistently made truthful pleadings to the Trial Court and emphasized to the court, Defendant's attorney's perjury and violations of TN Supreme Court Board of Professional Responsibility violations including counsel's and Defendant's aggressive, accusatory and inflammatory correspondence to Plaintiff. The Trial Court failed it's obligation to maintain proper conduct and control of the behavior of litigants and following of rules of procedure.

That Plaintiff has repeatedly provided evidence to the Court of the irrational and aggressive behaviors of Defendant and petitioned the Trial Court for a protective injunction against Defendant. Yet the Trial Court demonstrated sexual discrimination against Plaintiff by absolutely ignoring Plaintiff's demand for such injunction.

Finally, the Trial Court further demonstrates it's extensive bias and prejudice against Plaintiffs by repeatedly assigning the distorted alias of Earl Eugene Hess, Jr. to Plaintiff. Even Defendant's attorney's perjured Court pleadings were able to state Plaintiff's name correctly.

While Plaintiffs as yet have not exhausted their state avenues for appeal of case number 95CH3043, it appears evident that the state courts have set the stage and attitude that Plaintiffs' constitutional rights WILL be ignored as long as Plaintiff wishes to continue to tell any truthful statement which is less than complimentary of a pedophile TN Judicial officer. Plaintiff's determination to shed the light of truth upon a TN Juvenile Judge as a pedophile is comparable to the children's story of the Emperor's New Clothes. While it may not be politically acceptable, it doesn't change the fact that a pedophile is in a highly sensitive and protected position. Continuing to pursue this case through the state courts only perpetuates Defendant's war of attrition against Plaintiff and perpetuates Defendant's position of abuse and neglect.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS' DEMANDS FOR JUDGEMENT ARE:

1. That process issue and be served upon the defendant and she be required to answer this Complaint within the time and in the manner as is prescribed by law.

2. That this Court provide immediate summary judgement that Defendant's permanent restraining order be dissolved, which will allow Plaintiff to prepare pleadings without fear of sanctions for submitting specific truthful trial

pleadings. In lieu of summary judgement, that an immediate hearing be scheduled on the issue.

3. That this Court issue a temporary injunction against Defendant and/or her agents to be legally restrained from any future abuse, neglect, intimidation and/or harassment of Plaintiffs, and that Defendant be compelled to provide Plaintiff all important information concerning the minor children.

4. That a preliminary hearing be conducted at the earliest possible date that minor children Plaintiffs may be protected from further sexual molestation by Defendant, physical and mental abuse and neglect by Defendant, and intimidation or harassment by Defendant.

5. That this Court hear Plaintiff's appeals of the two subject cases and with an unbiased review of the facts, render a decision whereby the minor children are returned to the full time care and nurturing of Plaintiff and an equitable distribution of marital assets be made.

6. That the Plaintiff Earl Gene Hess be awarded monetary damages for all legal, mitigation and similar costs incurred due to Defendant's unethical and illegal activities. Current costs are in excess of approximately $50,000.

7. That Plaintiffs be awarded all other relief, damages and sanctions as demanded in Plaintiff's attached original pleadings.

8. That Plaintiffs have such other, further and general relief as to which they may be entitled.

Sworn to and subscribed this the _____ day of December 1995.

_____

EARL GENE HESS, JR., PE

ATTACHMENTS

1. Complaint to the TN Court of the Judiciary and attachments Case No. 95CH3043
2. Complaint for Abuse and Neglect of Children, and Contempt of Court
3. Motion for Summary Judgement
4. Motion for Contempt of Court for Denial of Visitation
5. Order Dismissing Complaint for Abuse and Neglect of Children Dismissing Motion to Dismiss Defendant's Subterfuge and Dismissing Motion for Contempt of Court for Denial of Child Visitation.
6. Order to Dismiss Motion for Ruling on Violation of TN Supreme Court Code of Judicial Conduct
7. Order Dismissing Motion for Summary Judgement and Motion for Grandparents' Visitation Rights
8. Order Dismissing Motions

IN THE SEVENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
CHANCERY DIVISION

PATRICIA LOUISE HESS,
Plaintiff,

VERSUS NO. 94CH1770

EARL GENE HESS, JR.,
Defendant.

AFFIDAVIT OF EARL GENE HESS. JR.

Comes now Earl Gene Hess Jr., Affiant who after being duly sworn according to law, and states as follows:

1. I am Earl Gene Hess Jr., and I am an adult citizen and resident of Knox County, Tennessee residing at 11808 Midhurst Dr., Farragut, Tennessee 37922. The information set forth in this Affidavit is based upon my personal knowledge.

2. Approximately June 1993 through March of 1994, I caught Patricia Louise Hess several times, usually nude in highly inappropriate positions with my minor son. The most notable two incidents involved her apparent oral sex on my son, with my son strenuously expressing vocal objections, and Ms. Hess' repeated attempts to sexually arouse my son by rubbing her nude body against my son.

In the above noted oral sex situation, I witnessed Ms. Hess nude in a crouched position on the floor with her face to my son's penis while my son was forced to stand nude

before her. My surprise witness of Ms. Hess' oral sex situation caused her to suddenly withdraw from her position at my son's penis, grab for any clothing close at hand and stutter to try to establish an excuse that she was examining the child as she immediately exited the bathroom. Any reasonable examination of the child would require her to wear her glasses which she wasn't wearing, and certainly
wasn't facilitated by her nude condition.

Approximately 1992 my son was examined by a urologist to remedy a minor circumcision error affecting aesthetics. Such corrective surgery was to be made concurrent with any future surgery on my son. After the physician's examination,my son brought up the issue again while Ms. Hess was compelled to repeatedly ask my son about the situation. Ms. Hess regularly went about the residence in the presence of both children completely nude. Even after my repeated attempts to convince her that such behavior was inappropriate, in particular with my son's maturing and asking detailed sexual anatomy related questions, Ms Hess continued to insist on regularly exhibiting herself and rubbing herself nude against my son. The most notable incident I witnessed was her appearance in one of three bathrooms in the residence, while I observed my son brushing his teeth. While nude, Ms. Hess insisted on reaching in front of my son to retrieve an item off the far side of the counter. In the process of this reach, she blatantly rubbed her drooping right breast across my son's face both reaching to, and returning from her reach.

On numerous other occasions in the bathrooms, at the laundry room, and kitchen Ms. Hess would freely rub her nude body against my son both front and back as though she

enjoyed the physical contact.

On several occasions I witnessed Ms. Hess sitting nude in a rocking chair with my daughter, my son and occasionally both children in her lap as she would read an occasional bedtime story to them. My son frequently objected to Ms. Hess' "READING" stories.

3. Approximately August 1994, in response to a discussion of my beard, James Garrett Hess (Garrett) described to me in detail how he knew "girls can grow hair on their bottoms". Garrett's factually explicit description detailed how Patricia Louise Hess regularly urinates facing Garrett during his bath time instead of using one of the other of three full bathrooms in the residence. Garrett description included Ms. Hess exposing her genitals to him during her urinating ritual. Garrett also described Ms. Hess' ongoing full frontal nudity around Garrett.

4. In December 1994, Garrett Hess described how his mother, Patricia Louise Hess, had taken Garrett and his an adult Christmas party where they were the only two children present. During the course of "gift giving" Garrett was provided a sexual toy "Fart bubbles" gift.

5. On December 30, 1994 I participated in a two hour interview concerning the sexual molestation of Garrett, and the continuous medical neglect of my son and daughter (Elizabeth Grace Hess) over a three month period by their mother, Patricia Louise Hess. The only witnesses to the sexual molestation of my minor son prior to April 18, 1994 are both parents and my son. Department of Human Services (DHS) employee Kathy Whetstone and District Attorney investigator Aubrey Gaylon conducted the interview in the Anderson

County Courthouse.

6. Prior to the interview I explicitly expressed my reservations about Mr. Gaylon's participation in the interview due to a conflict of interest, in that Patricia Louise Hess had regularly described Mr. Gaylonls participation in Judge Hess' Anderson County Juvenile Court proceedings and how they worked so well together. I continued to express my feelings that the conflict of interest probably extended to the entire District Attorney's (DA) office due to their relationship with Juvenile Court. Mr. Gaylon described how the District Attorney Mr. James Ramsey was aware of the situation. Mr. Gaylon stated that he told Mr. Ramsey his planned actions in advance, and I had nothing to fear about the DA's office providing any special treatment to Judge Hess.

7. In December of 1994, James Garrett Hess described to me how he had told Mr. Ma-rty McDonald Esq. details of how his mother, Patricia Louise Hess, had forced Garrett to submit to detailed physical manipulation of his genitals while both were nude as well as other similar situations.

8. Prior to April 1994 Patricia Louise Hess has bragged about the detailed training she received as Juvenile Judge for the county. Such training affords Judge Hess to know BOTH the questions and the appropriate answers to juvenile molestation and neglect questions.

9. In trial testimony the accused, Judge Patricia Hess testified that she refused to answer any DHS questions concerning the sexual molestation and medical neglect allegations until she received complete copies of the allegations against her. Judge Hess testified that on or about December 30, 1994 copies of the audio tapes of the two hour

interview were provided to her. The interview tapes provided Judge Hess all details of the allegations against her including the person reporting the abuse. This conspiracy between Ms. Whetstone, Mr. Gaylon and Judge Hess violated not only Department of Human Services confidentiality rules, but denied James Garrett Hess his legal protection of abuse and neglect by allowing Judge Hess to use her Judicial training to fabricate plausible responses in advance to every detail of the molestation charges. This conspiracy also effectively destroys any possibility of criminal prosecution of Judge Hess.

10. In trial testimony before this Court I described how Patricia Louise Hess, in direct defiance of this Court's order, denied telephone contact with the two minor children thereby isolating them from any support from December 25, 1994 through January 2, i995. In trial testimony Patricia Louise Hess did not dispute the denial of telephone contact.

11. On January 2, 1995 James Garrett Hess described how Patricia Louise Hess had frightened him by telling him that if he wanted to talk to the Judge that he would have to stand alone in front of a big room full of people.

12. In a telephone conversation I had with Department of Human Services investigator Kathy Whetstone, on or about January 13, 1995, a highly agitated Ms. Whetstone stated that she had interviewed my son (James Garrett Hess) on or about January 9, 1995. Ms. Whetstone stated that she had asked my son "If his Mother had ever touched him inappropriately before." Ms. Whetstone also explicitly disclaimed providing copies of the interview tapes to Judge Hess.

13. In trial testimony Kathy Whetstone stated that her investigation was continuing, but the mother was no longer a

subject of that investigation. Defendant avers that this statement was another attempt to intimidate me into complying with the conspiracy to hide Judge Patricia Hess' sexual abuse of Garrett.

14. During child visitation I closely interact with my children. Such interaction includes affording the children opportunities to voice their concerns and ask questions concerning any subject, including their parents divorce and their subsequent treatment and opportunities, without fear of reprisal.

15. On January 16, 1995 during the course of discussing my son's question of "why can't I talk to the Judge?" Garrett Hess told me that he did not know what the word "inappropriately" meant.

16. During several of the visitation opportunities from January 16, 1994 through March 5, 1995 Garrett Hess has volunteered the following statements: "Mommy told me that I would have to stand in front of a big room full of people if I wanted to talk to the Judge," "Mommy told me that i~ Daddy won that she would go to jail and I would never see her again," "Mommy told me that if I told anyone what Mommy had done, Mommy would go to jail and I would never see her again."

17. On an ongoing basis Garrett complains that he doesn't get enough sleep and falls asleep at school.

18. On an ongoing basis Garrett complains that he and his sister are the last children to be picked up from daycare (6:00PM). In trial testimony Patricia Louise Hess stated that she regularly picked the children up directly after regular Court hours which is 4:00PM. Ms. Hess also stated that she

used the Monday and Thursday visitation time to perform her overtime work. Ms. Hess has since refused to provide the children ~or the Monday and Thursday visitation. Ms. Hess also refuses to follow DHS and daycare requirements to sign the time that she drops off and picks up the children from daycare as it would provide irrefutable evidence of her purjury.

19. On or about April 27, 1995, in a pattern intended to emotionally and physically abuse Affiant's two minor children

Patricia Louise Hess:

- food poisoned one child then delivered ONLY that child for court ordered visitation. The child had identical symptoms as demonstrated during Ms. Hess' trial testimony admission of some six months of food poisoning the entire family.
- denied basic good hygiene care and/or treatment resulting in the recurrance of one child's feet cracking and bleeding until extreme pain is experienced in walking,
- for an extended period failed to provide and/or with hold physician prescribed allergy medicine the child. Ms. Hess fails to follow physician's instructions arbitrarily changing dosages, monitor consumption of the drugs and in trial testimony failed to deny that she administered and in written correspondence directed that her own narcotic prescriptions were to be adminstered to the children.
- repeatedly has built up the children~s expectations by telling them that their paternal Grandparents and other relatives are either coming to town or in town to visit the children then Ms. Hess with holds visitation. Ms Hess has gone so far as to call the paternal Grandmother in Virginia to tell the Grandmother that Ms. Hess is anxious for the visit then upon

arrival in Knoxville Ms. Hess refused visitation. In a second incident the paternal Grandfather called ahead to Ms. Hess, confirmed permission to visit with the children, traveled some 400 miles from Memphis then was denied visitation as previously agreed, denied a second agreed visit time for the following day, then allowed four hours of visitation on the subsequent Sunday morning.

- denyed one child Court ordered visitation then Ms. Hess' Juvenile Court STAFF delivered that child for Ms. Hess' friend's Grandmother to care for while the child's paternal Grandmother was in town visiting and wanted visitation.

- Both children have complained to Affiant that Ms. Hess tells the children that Affiant "doesn't want to see the children",

- Affiant has picked up both children for visitation, most recently on May 26, 1995 and found extensive flea bites, and extensive itching and scratching until raw across both child's legs identical to the infestations and bites Ms. Hess allowed to continue for some three months in 1994. Ms. Hess now refuses to allow Affiant regular visitation which previously allowed Affiant to provide at least-minimum intermittent medical treatment of the children's needs.

20. Affiant has made every reasonable effort to rationally communicate directly with Patricia Louise Hess concerning issues involving our children. Ms. Hess has systematically degraded such communications through: demands of no contact with her or the children, fabrication and attempts to litigate her fictional stories of my statements, behaviors and contact, STAGING A FICTIONAL BASEBALL GAME DURING VISITATION TIME AND CREATING AN EMBARASSING SCENE, demands the children are her SOLE responsibility,

etc. Such ongoing irrational and self serving behaviors continue to emotionally damage the children to the point where they regularly ask me not to make them return to their Mother. Furthermore, such behaviors have forced the affiant to demand that all Ms. Hess' communication be made in writing or through her attorney. Ms. Hess has ademantly refused to write her communications, yet Ms. Hess' fertile attorney imagination continues to fabricate false statements she attributes to me. Ms. Hess and her counsel are happy to WRITE pleadings complaining of fictional oral communications, then they whine in other pleadings about affiant not supporting oral communications. Ms. Hess repeatedly demonstrates her stated intent that she will control everything about the children and "I'll see that you never see the children ever again!"

21. Ms. Hess continues to hold Affiant's remaining personal property including premarriage photos, personal items, a silver bar (approximate weight 15 US lbs), etc. as well as affiant has only recently learned of the immediate and long term extent that Ms. Hess destroyed his personal property prior to release.

Respectfully sworn and submitted this the 26th day of June, 1995.

Earl Gene Hess Jr.

STATE OF TENNESSEE
COUNTY OF
Sworn to and subscribed before me
this the 26th day of June, 1995.
Elizabeth R. Sims
Notary Public
My commission expires 2-28-99

IN THE SEVENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
CHANCERY DIVISION

PATRICIA LOUISE HESS,
Plaintiff,

VERSUS NO. 94CH1770

EARL GENE HESS, JR.,
Defendant.

MOTION FOR INJUNCTIVE RELIEF

Comes now the Plaintiff, through counsel, and moves the Court for entry of a Temporary Restraining Order against the Defendant and to amend the Memorandum Opinion to provide for permanent injunctive relief, and in support hereof would show to the Court as follows:

1. The Court recently entered a Memorandum Opinion in this action dated January 30, 1995, and a Final Decree incorporating the Memorandum Opinion of the Court was prepared by Plaintiff's counsel and forwarded to counsel for the Defendant.

The Court, on page 12 of its Memorandum Opinion, found that the Defendant "has taken actions which were highly detrimental to his wife, such as publishing defamatory information in the newspaper" which actions "seemed to corroborate her allegations that he threatened to destroy her".

The Court, in the same part of the Opinion, noted that "Mr. Hess has been very demeaning in his characterization of Mrs. Hess". The Court went on, at page 14 of its Opinion, to admonish the parties to cease criticism of each other.

2. Plaintiff avers that the spirit and intent of the Court's Opinion mandated that, for the sake and best interests of the children, each party should stop making criticisms or charges against the other.

3. Plaintiff further avers that it was the spirit and intention of the Court's Order that Mr. Hess cease making charges against Mrs. Hess regarding alleged sexual or other abuse of the children or allegations that the Plaintiff used her judicial position to influence the course of this proceeding or of any DHS investigation regarding said alleged sexual or other abuse.

Plaintiff avers that the spirit and intent of the Opinion of the Court were that these charges of Mr. Hess were not substantiated.

4. In spite of the spirit and intention of the Court as set out in its Opinion, Plaintiff has been made aware that on the evening of Monday, February 6, 1995, the Defendant appeared at a meeting of a group called the "Coalition for Fathers and Children at the Candy Factory in Knoxville, Tennessee. Present at this meeting were some 18 to 20 other persons, some of whom were citizens of Anderson County. During the course of the meeting, the Defendant addressed the group, and revisited the same allegations that were litigated previously

in this action regarding alleged improper sexual conduct toward the children on the part of the Plaintiff and improper use of her judicial position. Specifically, among other accusations and allegations, the Defendant stated that he had caught his ex-wife having or getting ready to have oral sex with their seven year old son, that his ex-wife had used her authority to prohibit a Department of Human Services investigation, that he had tapes corroborating his accusations, but these were nthrown out" because of the Plaintiff's influence, and that Plaintiff had brainwashed the parties' oldest child into changing his story regarding the alleged improper sexual conduct of the Plaintiff.

5. Plaintiff avers that all of these allegations are not only false and defamatory, but were litigated in the trial of this case and not credited by the Court. Plaintiff fears that if the Defendant continues to publish such statements, irreparable harm will occur to the Plaintiff and the minor children. Specifically, Plaintiff avers that because Anderson County citizens were present at the aforesaid meeting, and because this group has advocacy and publicity for fathers as its focus, the republication of such information in Anderson County will continue, and the parties' children. may be blindsided with these allegations by third persons or their friends and playmates at school and at other public places. Plaintiff, therefore, avers that the protection and best interests of the parties' minor children require that the Defendant be restrained and enjoined from further publication of such defamatory, misleading and false information instanter. Plaintiff further avers that said Injunction should be made permanent,

and that the Defendant should be required to undertake remedial action to ensure no further publication or republication of his allegations and charges.

6. Plaintiff has not taken the filing of this Motion lightly, but after struggling with whether or not this action should be taken and balancing same against the substantial harm that is likely to occur to the parties' children if the Defendant is not stopped from publishing these defamatory allegations. Plaintiff felt that for the protection and best interests of her children, she is required to take this action.

7. Plaintiff further relies upon the Affidavit of Betty Vanover which is annexed hereto and adopted herein by reference as if copied verbatim.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That this Motion be filed and that the evidence therein be considered by the Court;

2. That an Injunction issue ex parte restraining and enjoininq the Defendant from speaking, writing, uttering, broadcasting, printing, or in any way publishing or disseminating any matter regarding the parties' relationship, the Defendant's allegations of the Plaintiff's alleged improper sexual conduct toward or alleged other maltreatment of the parties' children, the Plaintiff'5 alleged improper use of her judicial office, any likeness or photographs of Plaintiff, any documents, tapes,

recordings, or any information whatsoever regarding the Plaintiff, the parties' relationship or the parties' children.

3. That said Injunction as however amended or changed by the Court be made a Permanent Injunction.

4. That Defendant be required to take remedial action to ensure no further publication or republication of these allegations and charges.

For general relief.

That Earl Gene Hess, Jr. be responsible for Plaintiff's attorney's fees.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS IN THIS CAUSE.

RIDENOUR, RIDENOUR & FOX
Attorneys at Law
108 South Main Street
P. O. Box 530
Clinton, Tennessee 37717-0530
(615) 457-0755

This the 13th day of February, 1995.

Patricia Louise Hess

RIDENOUR, RIDENOUR & FOX

Ronald H. Ridenour
Attorneys for Plaintiff

STATE OF TENNESSEE
COUNTY OF ANDERSON

Patricia Louise Hess, after first being duly sworn according to law, makes oath that she has read the foregoing Motion for Injunctive Relief, and that the facts set forth therein are true to the best of her knowledge, information and belief.

Witness my hand this 13th day of February, 1995.

Patricia Loulse Hess

Sworn to and subscribed before me
this 13th day of February, 1995
illegable Notary Public
Notary Public
My Commission Expires: 9-19-95

COST AND EXTRAORDINARY PROCESS BOND

We hereby acknowledge ourselves as sureties for all costs of this cause, and further acknowledge ourselves responsible for any judgment or cost that may be assessed against us as a result of the wrongful issuance of extraordinary process in this cause.

Patricia Louise Hess
RIDENOUR, RIDENOUR & FOX

IN THE SEVENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
CHANCERY DIVISION

PATRICIA LOUISE HESS,
Plaintiff,

VERSUS NO. 94CH1770

EARL GENE HESS, JR.,
Defendant.

APFIDAVIT OF BETTY VANOVER

Comes now Betty Vanover, Affiant, who after being duly sworn according to law, deposed and stated as follows:

1. I am Betty Vanover, and I am an adult citizen and resident of Anderson County, Tennessee residing at 110 Ithaca, Oak Ridge, Tennessee 37830. The information set forth in this Affidavit is based upon my personal knowledge.

2. On the evening of Monday, February 6, 1995, I attended a meeting of the Coalition of Fathers and Children at the Candy Factory in Knoxville, Tennessee. I attended this meeting with my mother. I attended on behalf of my son who was unable to attend. My son is an adult who is presently in a custody dispute in the Anderson County court system, and my son was interested in finding out about this group to see if it was an organization which he might be interested in joining.

3. During the course of this meeting, a man that I did not know stood up and announced that his name was Earl Gene Hess, Jr., and that his ex-wife was Patricia Hess who is the Anderson County Juvenile Court Judge. Mr. Hess really loudly blurted out that his ex-wife was Patricia Hess, and that she was the Juvenile Judge of Anderson County. Mr. Hess stated "I have tapes that were brought to the Department of Human Services, and I caught my ex-wife getting ready to perform oral sex on my seven year old son, and these tapes that I have would have proved this, but they got him off and had him for seven days, and she drilled him, and he rolled over and changed his story and said she didn't do it." Mr. Hess stated three to four times that his ex-wife is the Juvenile Judge of Anderson County, and that she could get anything done that she wants to through her influence. Mr. Hess mentioned Athens and Chattanooga, and said that his ex-wife was using her influence to get his evidence thrown out. He stated that any place he goes, she uses her influence to get his evidence thrown out.

4. I didn't know what to do the first couple of minutes Mr. Hess was taling. I was really shocked that the leaders of the meeting would even allow Mr. Hess to attack Mrs. Hess's character in front of people who did not even know her.

5. There were approximately 18 to 20 persons present at this meeting from Knox County and surrounding counties.

6. I do not personally know Patricia Louise Hess. My son has a custody case pending in her court. I only know Mrs. Hess by reputation. Her reputation is one of fairness,

and a supporter of children's rights.

7. My son has a case pending in Judge Hess's court at the present time. I was concerned that because I heard the above-referenced statements of Mr. Hess, it would affect Mrs. Hess's ability to hear my son's case. Therefoe, I contacted the Juvenile Court personnel in Anderson County, and told them wyhat I heard Mr. Hess say. It is my understanding that Mrs. Hess has recused herself from hearing my son's case.

Further, Affiant saith not.

Respectfully submitted this 9th day of February, 1995.

Betty Vanover

STATE OF TENNESSEE
COUNTY OF ANDERSON
Sworn to and subscribed before me
this the 9th day of February, 1995
Lila Parton Antrican
My Commission Expires

IN THE SEVENTH JUDICIAL DISTRICT FOR THE
STATE OF TENNESSEE
CHANCERY DIVISION

PATRICIA LOUISE HESS,
Plaintiff,
VERSUS NO. 94CH1770
EARL GENE HESS, JR.,
Defendant.

TEMPORARY RESTRAINING ORDER

TO THE DEFENDANT, EARL GENE HESS, JR.:

The Plaintiff having filed a verified Motion and giving bond as required by law, you, Earl Gene Hess, Jr., your agents, and those in your control, are hereby enjoined, as if by fiat-of this Court, from speaking, writing, uttering, broadcasting, printing, or in any way publishing or disseminating any matter regarding the parties relationship, the Defendant's allegations of the Plaintiff's alleged improper sexual conduct toward or alleged other maltreatment of the parties' children, the Plaintiff's alleged improper use of her judicial office, any likeness or photographs of Plaintiff, any documents, tapes, recordings, or any information whatsoever regarding the Plaintiff, the parties' relationship or the parties' children.

ENTER this the 14th day of February, 1995, at 11 o'clock a.m.

Earl H. Henley
Chancellor by Designation of
the Tennessee Supreme Court

IN THE SEVENTH JUDICIAL DISTRICT FOR THE
STATE OF TENNESSEE
CHANCERY DIVISION

PATRICIA LOUISE HESS
Plaintiff
VERSUS No. 94CH1770
EARL GENE HESS, JR.
Defendant
ORDER

This cause came on to be heard upon the verified Petition filed herein, the agreements of the parties, and the Court in possession of the entire record as a whole, from all of which the Court finds that there shall be a mutual and joint Injunction against the parties herein from speaking, writing, uttering, broadcasting, printing, or in any way publishing or disseminating any matter regarding the parties' relationship, the Defendant's allegatlons of the Plaintiff's alleged improper sexual conduct or alleged other maltreatment of the parties' children, and the Plaintiff's allegations that the Defendant has mistreated the children, the Plaintiff's alleged improper use of her judicial office, any likeness or photographs of Plaintiff or Defendant, any documents, tapes, recordings, or any information whatsoever regarding the Plaintiff and Defendant, the parties' relationship, or the parties' chi.ldren, and same shall be permanent in nature.

ENTER this the 29 day of March, 1995.

Earl H. Henley
Chancellor by Designation of
the Tennessee Supreme Court

IN THE SEVENTH JUDICIAL DISTRICT FOR THE
STATE OF TENNESSEE
CHANCERY DIVISION

EARL GENE HESS, JR.
A Citizen of Knox County, Tennessee
11808 Midhurst Drive
Farragut, Tennessee 37922
and Plaintiff's Two Minor Children,

Plaintiffs

VERSUS NOS. 95CH3043,94CH1770,95LA8170

PATRICIA LOUISE HESS
413 Cedar Circle
Clinton, Tennessee 37716

Defendant

RESPONSE TO MOTION TO DISSOLVE PERMANENT RESTRAINING ORDER AND MODIFY PLEADINGS

Comes now Patricia Louise Hess, through her attorney of record, and would move the Court for an Order to dismiss the Motion to Dissolve Permanent Restraining Order as follows:

That the ultimate Restraining Order sought and granted was as a result of a mutual agreement of counsel for Earl Gene Hess, Jr. and Ronald H. Ridenour pursuant to a

conference call with the Honorable Earl Henley.

During the conference call between counsel and the Honorable Earl Henley, the Honorable Earl Henley suggested a mutual Restraining Order against the parties for the best interest of the minor children. That counsel for Earl Gene Hess, Jr. and Ronald H. Ridenour consented at that time. That Ronald H. Ridenour drafted the Order accordingly and submitted same to the Honorable Earl Henley at which point Earl Gene Hess, Jr. apparently disallowed his counsel's signing of said document or terminated his services thereafter.

Paragraph 1 of the Motion to Dissolve the Permanent Restraining Order, whether or not the Restraining Order is a violation of the plaintiff's constitutional rights is a matter that needs to be taken up with his counsel who agreed to same, although it is the understanding of Patricia Louise Hess and her counsel, that the attorney for Earl Gene Hess, Jr. has advised him that he feels that it is in fact a violation of the First Amendment Right to free speech:

1. As it relates to slander, there is no suit by Patricia Louise Hess in that regard, but it is her intent then, now, and in the future to protect the children at all costs.

2. Since there is no action filed for slander against Earl Gene Hess, Jr. by Patricia Louise Hess, Earl Gene Hess, Jr. does not merit a response in reference to slander.

3. It is admitted that the Restraining Order is written to be an Agreed Order as the parties, through counsel, agreed to said Order. It is admitted that it was unilaterally directed to the Court because after drafting, counsel for Earl Gene Hess, Jr., at the time, was instructed apparently not to sign said Order. The subject Restraining Order, as addressed in

paragraph 4 does not deny the Plaintiff's right of free speech, but was for the sole purpose of the protection of the parties' minor children. It is obvious that Earl Gene Hess, Jr. is carrying out his threat to publicly ruin Patricia Louise Hess by fighting so diligently to set aside this Restraining Order keeping him from publicly blasting her, thereby causing a detriment to the children. As it relates to filing complete pleadings, the Defendant is not filing the pleadings for the Plaintiff and thereby she cannot address the completeness of his pleadings.

It is admitted that Patricia Louise Hess, in paragraph 6, and her attorney, as licensed attorney, brought the Restraining Order for the purpose of keeping the Defendant from blasting your Defendant such that it would have a detrimental effect upon the children, and the constitutional rights of the Plaintiff never entered into this situation, but only the protection of the minor children, which should be, but apparently is not, the intent of the Plaintiff.

Further, the Defendant is unaware that the Plaintiff has a political position in the county, and is unaware of any standing in the community he has here since he is not a resident of this county, and it was the Plaintiff who elected to move from Anderson County, and not the Defendant, but it was because of his actions and not the actions of the Defendant.

The allegation that the Plaintiff had been subjected to extreme emotional and mental duress is almost laughable, in view of the actions the Plaintiff has taken to clearly harass the Defendant throughout this cause of action from the beginning until presently.

As it relates to the Plaintiff incurring extensive additional legal efforts and expense, it is the understanding of Defendant that Plaintiff is representing himself, and thereby the Defendant in this cause has no way of knowing what the Plaintiff is paying himself to represent himself, but that it is the opinion of the Defendant that the Plaintiff has calculated that the Defendant must in fact incur certain legal expenses because of his barrage of Motions, lawsuits, and other frivolous actions.

Now, this Defendant prays that this cause be dismissed against her, and that Rule 11 sanctions be assessed.

That the original Restraining Order was in fact submitted to his Honor on an ex parte basis in an effort to protect the minor children. It was thereafter that the conference call was held by the parties and agreeing on a mutual injunction.

The portion of this Motion by Earl Gene Hess, Jr. seeking judgment against Attorney Ronald H. Ridenour be dismissed as Ronald H. Ridenour is not a party to this action.

This the 5 day of July, 1995.

Ronald H. Ridenour (No. 5274)
Attorney for Defendant, Patricia Louise Hess

RIDENOUR, RIDENOUR & FOX
Attorneys at Law
108 South Main Street
P. O. Box 530
Clinton, Tennessee 37717-0530
(61S) 457-0755

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

EARL GENE HESS, JR., ET AL.

Plaintiffs,

No. 3:95-CV-228
Judge Jordan
Jury Demand

ANDERSON COUNTY GOVERNMENT, ET AL.

Defendants.

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF KNOX-, SS:)

Comes now Marty McDonald, Affiant, who after being duly sworn according to law, states as follows:

1. 1 am Marty McDonald Esq., an adult citizen, resident of Knox County and licensed practicing attorney with offices located at 10805 Kingston Pike, Suite 200, Knoxville, TN 37922. The information set forth in this Affidavit is based upon my personal knowledge.

2. That on February 15, 1995 1 received a facsimile from Chancellor Earl Henley (copy attached as Exhibit 1), which as my first information or notice to the effect that Mr. Ronald H. Ridenour had on this day submitted an ex parte

temporary order that "...would enjoin Mr. Hess from making derogatory remarks against Mrs. Hess."

3. That I had not discussed the restraining order with anyone prior to receiving the above noted facsimile.

4. That after receiving such facsimile, I immediately advised Gene Hess of the significance of such Order, and the potential for Chancellor Henley implementing negative sanctions, including, but not limited to, the denial of visitation, financial penalties, and possible incarceration, for violation of the restraining order.

5. That Mr. Hess advised me that he would comply with the orders of the Court.

6. Mr. Hess asked me my opinion as to the legal significance of the restraining order, and I advised him that it was my legal opinion that such order may violate Gene Hess' constitutional protection under the First Amendment Rights of Free Speech.

7. That I advised Mr. Hess that an appeal of such order would be necessary to set aside the Chancellor's ruling.

8. That after the facsimile was received, there was discussions between myself and Mr. Ridenour, on what would be necessary to implement the Chancellor's ruling. There was discussion of drafting orders that could possibly be agreed to.

9. It is my recollection that the parties were not able to agree to the language of a permanent restraining order, and that Mr. Ridenour submitted his order to the Chancellor who executed the same on or about March 29,1995.

10. At no time, to my knowledge, was there negotiations between Mr. Ridenour or myself prior to Chancellor Henley's February 15th ruling that a restraining would exist between the

parties of an agreed order of any type that would limit Mr. Hess' free speech.

11. That the only discussions that took place between counsel were after February 14th, in an effort to reach agreed language to implement the February 14th decision of the Chancellor.

Respectfully submitted this the 10 day of August, 1995.

OATH

Marty McDonald, after being duly sworn according to the law, makes oath that he has read the foregoing Affidavit, and that the facts set forth therein are true to the best of his knowledge, information and belief.

Witness my hand this 10 day of a August 1995.

Marty McDonald

Sworn to before me and subscribed in my presence this 10th day of August, 1995.
Sharon Dempsey
Notary Public
My commission expires 4-4-95

Evidence Attachment
copy of fax from Chancellor Earl H. Henley

Chancery Court
State of Tennessee
10th Judicial District

May 3, 1995

Honorable Thomas Lyle Reid
Justice
TENNESSEE SUPREME COURT
307 Supreme Court Building
Nashville, TN 37243-0619

Re: Patricia Louise Hess
v. Earl Gene Hess, Jr.
Anderson Chancery No. 94CH1770

Dear Justice Reid:

I am addressing this correspondence to you as you were the Chief Justice requesting that I hear the above captioned case. As you know, I ahve a very busy docket, but during my twenty-six years on the bench, I ahve never refused to hear a case which the Court has requested that I preside over. I will continue to accept such responsibilities delegated to me.

In the instant case, we started thial January 12, 1995, and I spent the better part of three days listening to the proof. The case was taken under advisement as I felt it would be wise to write an opinion rather than announce my decision from the bench. On January 30, 1995, I issued a Memorandum Opinion, a copy of which is enclosed. Later, I

issued an injunction which I felt appropriate, and today I have overruled Mr. Hess' Motion for a new trial which he filed after discharging his attorney.

Two or three weeks ago, Mr. Hess, one of the litigents, filed a civil suit against seeral of the Judges of the area and also against me. It is obvious that I can no longer participate in the case.

I have met my responsibilities in this case to the best of my ability, but now I must ask you to allow me to be recused from further partcipation.

Sincerely,

Earl H. Henley
Chancellor

EHH/scs
Enclosure
cc: Mr. Earl Gene Hess Jr.
Mr. Ronald H. Ridenour
Mr. Don Layton, C&M

IN THE SEVENTH JUDICIAL DISTRICT FOR THE
STATE OF TENNESSEE
CHANCERY DIVISION

PATRICIA LOUISE HESS
413 Cedar Circle
Clinton, Tennessee 37716
Plaintiff
VERSUS No. 94CH1770

EARL GENE HESS, JR.
11808 Midhurst Drive
Farragut, Tennessee 37922
Defendant

ORDER OVERRULING RULE 59 MOTION

This cause came on to be heard upon the Motion filed by Earl Gene Hess, Jr. pursuant to Rule 59 of the Tennessee Rules of Civil Procedure to Alter or Amend the Final Decree of Divorce, or in the Alternative for a New Trial, the Response filed thereto, and the Court findinq that the Court spent many hours in this case evaluating the evidence and the parties, thereby, the Court finds that the Motion for a new trial or a further hearing in this cause is overruled; and

It is, therefore, ORDERED, ADJUDGED and DECREED as follows:

1. That the Rule 59 Motion herein filed by Earl Gene Hess, Jr. is hereby overruled.

ENTER this the 16 day June, 1995.

Earl H. Henley
Chancellor by Designation of
the Tennessee Supreme Court

IN THE SEVENTH JUDICIAL DISTRICT FOR THE
STATE OF TENNESSEE
CIRCUIT / CHANCERY DIVI8ION

Earl Gene Hess Jr., a citizen of Knox County, TN
11808 Midhurst Dr., Farragut, TN 37922
and Plaintiff's two minor children.
Plaintiffs

vs
Patricia Louise Hess
413 Cedar Circle
Clinton, TN 37716
Defendant

NO: 95CH3043,
94CH1770,
95LA0170

12 Person Jury

MOTION TO DISSOLVE PERMANENT RESTRAINING ORDER, MODIFY ALL PLEADINGS, AND EXTENSION OF TIME

Comes now your original Plaintiff Earl Gene Hess Jr. before this Honorable Court, and would move that a permanent restraining order implemented by this Court in case style Hess v. Hess case number 94CH1770 and included herein be dissolved immdiately on the grounds that:

1. such restraining order is a blatant violation of Plaintiff's US Constitutionally protected First Amendment right of free speech. Plaintiff has for years been extremely active in local politics which the affidavit submitted by Patricia Louise Hess and included herein, notes the speech she objected to occurred in a political organization meeting. Besides being

constitutionally protected speech, if complainant Patricia Louise Hess feels slandered by the truthful statements complainant made, she can follow such legal remedies as are available instead of demanding and receiving the suspension of Plaintiff's constitutional rights.

2. statements quoted by complainant Patricia Louise Hess' submitted affidavit are true, witnessed and previously made under oath at trial by Plaintiff Earl Gene Hess Jr. and are therefore, an acceptable defense to any complaint of slander made by Patricia Louise Hess.

3. the subject restraining order is written to be an agreed order "the agreements of the parties", subject to approval by this Court. Such "agreed order" was offered unilaterally by complainant Patricia Louise Hess and was NEITHER agreed to or signed by either Earl Gene Hess, Jr. or his then representative counsel.

4. the subject restraining order denied Plaintiff Earl Gene Hess Jr. his rights under the US Constitution's Fifth Amendment by denying Plaintiff his full rights of life and liberty without due process of law. Due process rights denied include both notice and right to a hearing prior to denial of rights and/or privileges.

5. the subject restraining order also perpetually denies Plaintiff Earl Gene Hess Jr. his rights under the US Constitution's Fifth Amendment by denying Plaintiff his right to file complete Court Pleadings for relief of Defendant's illegal and immoral activities against Plaintiff's children.

6. complainant Patricia Louise Hess and her attorney R.H. Ridenour as licensed attorneys, SITTING JUVENILE

JUDGE AND SPECIAL JUDGE respectively knew their requested restraining order wa unconstitutional and therefore, illegal, but with forethought and malice did execute their plant to illegally damage Plaintiff, including but not limited to damages of:

- damage Plaintiff's political position, reputation and standing in the community to where Defendant forced Plaintiff to move from Anderson County and avoid Anderson county activities whenever possible or risk Defendant's repeated threat of arrest,
- subject Plaintiff to extensive emotional and mental duress to avoid violating the illegal restraining order in his effort to bring Defendant Patricia Louise Hess to trial for ongoing illegal and immoral activities against Plaintiff's,
- force Plaintiff to incur extensive additional legal efforts, costs, delays and lost wages.

WHEREFORE, Plaintiff Earl Gene Hess Jr. demands:

1. summary judgement for all of Plaintiff's demands or in lieu of summary judgement, a hearing on this motion,
2. the permanent dissolution of this Court's restraining order,
3. Plaintiff be allowed to modify all pleadings in all cases to provide a more perfect pleading as Plaintiff's original pleading stated, and an extension of time allowing these pleadings to be submitted by September 1, 1995.
4. payment of actual damages to Plaintiff in the amount of $50,000,
5. punitive damages against Defendant Patricia Louise Hess and her attorney R. H. Ridenour in the amount of $100,000,
6. that appropriate professional punitive actions be taken against complainant Patricia Louise Hess and attorney R. H.

Ridenour to discourage future behaviors, including but not limited to this Court's formal report to the Tennessee Board of Professional Responsibility.

7. any other relief which Plaintiff is entitled to.

Sworn to and subscribed this the 28th day of June, 1995.

Earl Gene Hess

IN THE SEVENTH JUDICIAL DISTRICT FOR THE
STATE OF TENNEESSEE
CHANCERY/CIRCUIT DIVISION

Earl Gene Hess Jr., a citizen of Knox County,-TN
11808 Midhurst Dr., Farragut, TN 37922
and Plaintiff's two minor children.
Plaintiffs

vs NO: 95LA0170
&94CH170
Anderson County Judge Patricia Louise Hess &95CH3043
Anderson County Judge William E. Lantrip
Anderson County District Attorney James N. Ramsey
Anderson County DA Investigator, Audra Gibson
Campbell County Judge Conrad Troutman
McMinn County Judge Earl H. Henley 12 Person
Dept of Human Services Invest, Kathy Whetstone Jury
Anderson County Juvenile Court, Pat Swinney requested
Defendants

MOTION FOR RULING ON VIOLATION OF
TENNESSEE SUPREME COURT CODE OF JUDICIAL
CONDUCT

Comes now the Plaintiff Earl Gene Hess Jr., and makes a motion for a ruling on the violation of the Tennessee Supreme Court Rules, Rule 10 Code of Judicial Conduct, Canon 2 A Judge Should Perform the Duties of His Office Impartially and Diligently, Section C Disqualification, subsection 1, paragraphs

(a), (c), and (d iii). Plaintiff questions the propriaty of Supreme Court Justice Riley Anderson designating an alternate Judge for Plaintiff's litigation. Justice Anderson employed Defendant Anderson County Juvenile Court Judge Patricia Louise Hess in his law firm, is personal friend and mentor of Ms. Hess, personally swore Ms. Hess into her current office, as well as Justice Anderson benefiting personally from Ms. Hess' local political support for his current elected office.

Justice Anderson having practiced in Anderson and surrounding counties for many years has a VBRY long term personal and professional relationships with many if not ALL of the Defendants. Plaintiff would maintain that Justice Anderson, as will much of the East Tennessee Judiciary, wi]l be substantially politically damaged if any unbiased opportunity is afforded Plaintiff to prevail in his complaint of an organized corrupt Judiciary in East Tennessee. Current voter performance has proven a tendency to "throw the rascals out."

Justice Anderson even personally included Defendant Lantrip to execute the designation of a Judge to hear the case against Defendant Lantrip.

Justice Anderson's review of even the case style would have revealed his knowledge of the Defendants whose names are prominently displayed as in normal case styles, yet Justice Anderson noted only Plaintiff's name in his order designating a replacemerlt Judge. Plaitifff would maintain the EXTREME POTENTITAL AND PERCEPTION exists that Justice Anderson would designate an individual with personal bias or prejudice against Plaintiff in order to protect the personal and professional relationships and careers noted herein.

Plaintiff would also maintain that due to the extremely sensitive nature of Plaintiff's complaint, the relationship of Defendants to nearly all other local sitting Judges, and that TWO PREVIOUS EAST TENNESSEE JUDICIAL INTERCHANG8S CONSTITUTE A PORTION OF PLAINTIFF'S COMPLAINT that it would be inapproriate to name any Judge from the East Tennessee area to hear Plaintiff's litigation against Defendants the sitting Judge knows personally and/or professionally.

WHEREFORE, Plaintiff Earl Gene Hess Jr. demands:

1. motion be filed and hearing scheduled for public review of the issues,

2. - find that Justice Anderson's involvement violates Supreme Court Rules noted in Plaintiff's pleading and is therefore invalid,

   - due to Justice Anderson's violation, his honorable Judge Beyers does not have the authority to hear Plaintiff's cases and would request the Supreme Court (other than Justice Anderson) designate a Judge from outside the East Tennessee Grand Division area from a city as similar in size to Knoxville, as possible,

3. or in lieu of recusal, Plaintiff Earl Gene Hess Jr. in the interest of documenting a publicly open and unbiased legal review, would ask this Honorable Court to provide a detailed history to the litigants of any and all public, private, financial and/or legal contact and/or knowledge that this Court has had with any and all of the Defendants.

Sworn to and respectfully submitted this 28th day of June, 1995.

Earl Gene Hess Jr.

IN THE SEVENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
CIRCUIT DIVISION

Earl Gene Hess Jr., a citizen of Knox County, TN 11808 Midhurst Dr., Farragut, TN 37922 and Plaintiff's two minor children.

Plaintiffs

vs NO: 95LA0170

Anderson County Judge Patricia Louise Hess
Anderson County Judge William E. Lantrip

12 PERSON JURY

Anderson County District Attorney James N. Ramsey REQUESTED
Anderson County DA Investigator, Audra Gibson
Campbell Connty Judge Conrad Troutman
McMinn County Judge Earl H. Henley
Dept of Human Services Invest, Kathy Whetstone
Anderson County Juvenile Court, Pat Swinney

Defendants

AFFADAVIT OF EARL GENE HESS, JR.

Comes now Earl Gene Hess Jr., Affiant, who after being duly sworn according to law, and states as follows:

1. I am Earl Gene Hess, Jr. and I am an adult citizen and resident of Knox County, Tennessee residing at 11808 Midhurst Dr., Farragut, Tennessee 37922. The information set forth in this Affidavit is based upon my personal knowledge.

2. Anderson County Judge Patricia Louise Hess in Chancery Court civil trial testimony stated that she refused to answer any DHS questions concerning the sexual molestation and medical neglect allegations until she received complete copies of the allegations against her. Judge Hess testified that on or about December 30, 1994 copies of the audio tapes of the Plaintiff's two hour interview were provided to her. The interview tapes provided Judge Hess all details of the allegations against her including the person reporting the abuse. These tapes were made by Defendant Kathy Whetstone and provided in violation of DHS confidentiality requirements. Providing these tapes also violates the District Attorney prosecution responsibilities by destroying any chance of criminal prosecution of Judge Hess.

Prior to April 1994 Patricia Louise Hess has repeatedly bragged about the detailed training she received as Juvenile Judge for the county. Such training affords Judge Hess to know BOTH the questions and the appropriate answers to juvenile molestation and neglect questions.

Affiant has repeatedly witnessed Ms. Hess' convenient statements of authority shifts between executing her official Judicial responsibilities and her private citizen rights in a further attempt to confuse the issues and mislead the Court.

Patricia Hess has asked for and received major financial and personal benefits from Defendant Pat Swinney of Anderson County Juvenile Court and others, including but not limited to Swinney providing room and board for Ms. Hess and two children for some 7 days duration, storage of numerous rifles for over one year, conducting personal investigations, babysitting, and shuttling of Ms. Hess' children. Ms. Hess in

her official Juvenile Judge capacity recently awarded to Ms. Swinney a promotion to Senior Staff Person of Anderson County Juvenile Court and an accompanying 18 percent salary increase.

In the process of reviewing letters and transaction receipts in Mr. Ridenour's conference room late in 1994 I reviewed specific letters and receipts which would impeach Patricia Hess' testimony with my formal legal council Mr. Marty McDonald esq. These letters and receipts were left in Mr. Ridenour's custody for duplication. Most of the requested duplicate copies were received with the exception of receipts for vehicles, some Savings Bonds and most importantly letters discussing how Ms. Hess and Ms. Bobby ???????? developed Ms. Hess' plan for the creation of the Anderson County Juvenile Judge position.

3. Patricica Louise Hess admitted to Affiant how she acted to marry numerous Anderson County couples during her employment as a Juvenile Referee even though she specifically had no such legal authority. Ms. Hess specifically stated she was not going to contact those persons to correct her actions. Ms. Hess also admitted that some quantity of these marriages were as part of her Judicial ruling on juvenile petitions to marry when under age 18.

4. Affiant submits copy of public court records Chancery Court case #94CH1769 in which Anderson County Judge William E. Lantrip signed an order for Patricia Louise Hess' direct benefit. Defendant Patricia Louise Hess has repeatedly told affiant, and affiant has witnessed that Judge Lantrip and Patricia Louise Hess are friends, fellow judges in the same courthouse, with regular personal and political contact which

would require Judge Lantrip to recuse himself from any legal action involving Ms. Hess. Further review of the restraining order reflects Judge Lantrip's oppression by signing an overly broad order separating Plaintiff Earl Gene Hess from his children without just cause.

Affiant also submits trial court documentation that subsequent to Judge Lantrip's recusal he has continued to sign orders of the cases he has recused from.

On May 11, 1995 Judge Lantrip's secretary told Plaintiff that "she was instructed not to talk to me", which denies Plaintiff the same county services provided to other citizens and lawyers.

5. On December 30, 1994 I participated in a two hour interview with Anderson County DA Investigator, Audra Gibson and Dept of Human Services Invest, Kathy Whetstone concerning the sexual, physical and mental abuse of my son by Patricia Louise Hess. Prior to participating in that interview I explicitly expressed by reservations about Mr. Gaylon's participation in the interview due to a conflict of interest, in that Patricia Louise Hess had regularly described Mr. Gaylon's participation in Judge Hess' Anderson County Juvenile Court proceedings and how they worked so well together. I continued to express my feelings that the conflict of interest probably extended to the entire District Attorney's (DA) office due to their relationship with Juvenile Court. Mr. Gaylon described how the Anderson County District Attorney James N. Ramsey was aware of the situation. Mr. Gaylon stated that he told Mr. Ramsey his planned actions in advance, and I had nothing to fear about the DA's office providing any special treatment to Judge Hess.

In a telephone conversation affiant had with DHS Investigator Kathy Whetstone she stated that she had interviewed my son on or about January 9, 1995. Ms Whetstone stated that she had asked my son "If his Mother had ever touched him inappropriately before." Ms. Whetstone also explicitly disclaimed providing copies of the interview tapes to Defendant Patricia Hess.

6. On January 16, 1995 during the course of discussing my son's question of "why can't I talk to the Judge?" my son told me that he did not know what the word "inappropriately" meant.

7. When affiant called the secretary for Campbell County Judge Conrad Troutman, affiant was told that he could not see Judge Troutman's trial schedule (public records) as he kept it himself. Furthermore, as evidenced by Chancery Court case #94CH1770 documents there is repeated correspondence and pleadings from Plaintiff's then council pleading for a hearing on the ongoing child abuse by Defendant Patricia Louise Hess. Judge Troutman's only action was to submit a letter of withdrawal after some five months delay.

8. As evidenced by Chancery Court case #94CH1770 documents, the trial transcript and affiant as witness, McMinn County Judge Earl H. Henley deliberately obstructed the testimony of witness Mrs. Dorothy Jean Hill who was already on the witness stand and testifing of Defendant Patricia Louise Hess' child abuse and neglect. Further, Mr. Henley intimidated Plaintiff's then council at the start of the third day of the trial to convince Plaintiff Earl Gene Hess Jr. that "he (Judge Henley) has already made his decision", and strongly discouraged Plaintiff from calling any further work, public

school, and acquaintance witnesses which were strong supporters and witnesses of affiant's behavior with my children and had attended ALL THREE DAYS OF TRIAL ON PLAINTIFF'S CHILDREN'S BEHALF.

9. Defendant Pat Swinney has provided major financial and personal benefits to Defendant Anderson County Juvenile Judge Patricia Hess, including but not limited to providing room and board for Ms. Hess and two children for some 7 days duration, storage of numerous rifles for over one year, conducting personal investigations, babysitting, and shuttling of Ms. Hess' children. Ms. Swinney recently received Defendant Anderson County Juvenile Court Judge Patricia Hess' promotion to Senior Staff Person of Anderson County Juvenile Court and an accompanying 18 percent salary increase.

Upon Affiant Earl Gene Hess Jr. requesting copies of public school records concerning his child, he was told that Anderson County Juvenile Court, Pat Swinney had delivered a copy of a state law entitling noncustodial parents to report cards and briefed the school administrators that "that was all the records that could be given out". Such action was an attempt to violate Affiant's civil rights under the FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, which the school administration later acknowledged affiant was entitled to.

Affiant also witnessed Defendant Swinney attempting to use her position in Juvenile Court, to bias an Anderson County Sheriff's deputy's actions when Plaintiff asked said deputy to accompany him to receive Plaintiff's minor children from Defendant Judge Patricia Hess' court chambers as Judge Hess had ordered.

Respectfully sworn and submitted this 26th day of June, 1995.

Earl Gene Hess, Jr.

STATE OF TENNESSEE
COUNTY OF KNOX
Sworn to and subscribed before me
this the 26th day of June, 1995.
Elizabeth R. Sims
Notary Public
My Commission Expires: 2-28-99

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

EARL G. HESS, JR., ET AL
PLAINTIFFS

V NO. 3:95-CV-0721

PATRICIA L. HESS
DEFENDANT

MEMORANDUM OPINION

In this civil action, the adult plaintiff, suing individually and as the next friend of the minor plaintiffs, seeks injunctive and other relief, including dissolution of a restraining order issued by a Tennessee court, on the basis of claimed violations of his and his minor children's federal constitutional rights. The plaintiffs. also ask this court to review decisions made by courts of the State of Tennessee in the exercise of those courts' domestic relations jurisdiction. To highlight this, the plaintiffs entitle their complaint "Appeals to Federal Court on Constitutional Grounds."

The plaintiffs allege, in broad terms, that the defendant, who is the adult plaintiff's former spouse and the mother of the minor plaintiffs, has engaged in conduct contrary to these children's best interests, but that several Tennessee courts have engaged in an "organized effort" to protect the defendant, because she is a member of the Tennessee judiciary. The plaintiffs allege that in the course of this organized effort , those State courts have violated many of the plaintiffs'

constitutional rights made applicable to the States by the Fourteenth Amendment.

That the plaintiffs, in this civil action brought purportedly for the vindication of federal constitutional rights, in fact seek appellate review by this court of decisions made in the Tennessee judicial system concerning such matters as the division of marital property between the adult plaintiff and the defendant, and the custody of the minor plaintiffs and visitation rights with respect to them, may be shown by some excerpts from the complaint filed in this civil action. On page 4 of their complaint, the plaintiffs state "that the Trial Court essentially ignored the state laws concerning distribution of marital assets, and knowingly allowed Defendant to secret and destroy marital assets and confiscate Plaintiff's premarital property. On page 6, the plaintiffs say that in one of the domestic relations proceedings before one of the Tennessee courts, the trial court ignored evidence offered by the adult plaintiff, and accepted the further perjured pleadings of Defendant's attorney." The plaintiffs complain that a Tennessee court ignored or refused the minor plaintiffs' "due process action" in which they sought grandparent visitation under the applicable Tennessee statutory law, and that the trial court, in violation of constitutional guarantees of due process and equal protection, dismissed the adult plaintiff's complaint and motions without a hearing, and discriminated against this plaintiff on the basis of his gender by declining to award an injunction in his favor. The plaintiffs concede that they "have not exhausted their state avenues for appeal of case number 95CH3043 {apparently pending before the Circuit or Chancery Court for Anderson County, Tennessee}, "but that the hostility

of the Tennessee judiciary towards their claims establishes the futility of pursuing appeals in the Tennessee judicial system.

The adult plaintiff has invoked this courts' jurisdiction before in an attempt to obtain relief from what he alleged were unlawful acts against him by Tennessee judicial officers and other State and local officials. In Earl Gene Hess, Jr., et al. v. PaTRICIA l. hESS, ET AL., NO. 3:95-CV-0228, THE PLAINTIFFS, Mr. Hess as next friend, sought in part an order of this court dissolving a temporary restraining order entered by a Tennessee chancellor. At a hearing held in that civil action on August 11, 1995, this court dismissed the plaintiffs' claims against Chancellors Earl H. Henley and William E. Lantrip on the ground of judicial immunity, and denied the plaintiffs' motion to dissolve an injunction or restraining order entered by the Tennessee Chancery Court sitting in Anderson County. The court then filed an order reflecting these and other rulings [doc. 24 in no. 3:95-cv-0228]. Later, after providing the plaintiffs an opportunity to show cause against dismissal, the court dismissed that civil action in its entirety [doc. 27 in no. 3:95-cv-0228], after the plaintiffs failed to serve process in a timely manner on the named defendants other than the two chancellors.

This court has an obligation in each civil action before it, whether or not any party defendant has moved to dismiss(1), to inquire into the existence of jurisdiction of the subject matter of the civil action. See Fed. R. Civ. P. 12(h)(3). Because the plaintiffs have made the unusual request that this

(1) The defendant has not filed a responsive pleading or motion in this civil action.

court sit in review of the decision of State courts, and because their claims for relief all relate to previous State judicial decisions concerning such matters as the division of divorced spouses' property and child custody, matters not ordinarily litigated in federal courts, the court has undertaken its own consideration of the issue whether it has jurisdiction of the subject matter of this civil action.

Congress has not granted any jurisdiction to the district courts of the United States to sit as appellate courts to review decisions made in the carrots of the various States. In Sheldon V. Sill, 49 U.S. (8 How.) 441 (1850), it was argued that an act of Congress which limited the jurisdiction of the circuit courts of the United States by prohibiting them from exercising diversity jurisdiction in any case in which diversity had been created by the assignment of a promissory note or other chose in action was in conflict with the constitutional grant of diversity jurisdiction. The Supreme Court rejected this argument, and therefore reversed the judgement of the circuit court below for lack of jurisdiction, and remanded the case with directions to dismiss for lack of jurisdiction, holding that the constitutional provision, in Article III, S 1, empowers Congress both to create the federal courts inferior to the Supreme Court and to define their respective jurisdictions.

> And it would seem to follow, also, that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statue can have no jurisdiction but such as the statue confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another, or withheld from all.

> The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the Circuit Court; consequently, the statue which does not prescribe the limits of their jurisdiction, cannot be in conflict with the Constitution,m unless it confers powers not enumerated therein.

Id. at 449 (footnote omitted).

The clear import of this in the civil action before this court is that it is unnecessary to address the issue whether review by this court of an order entered in a domestic relations case by a Tennessee court would violate the Tenth Amendment, principles of federalism or any other constitutional doctrine. The simple fact is that Congress has not authorized any district court of the United States to sit in review of a judgment of a State court, and this court has no inherent power to do so.

In fact, the only federal court which is empowered to sit in review of the judgments of State courts is the Supreme Court of the United States. In 28 U.S.C. S 1257(a), The Supreme Court is granted jurisdiction to proceed by writ of certiorari to review the final judgments of decrees of the highest court of a State

where the validity of a treaty or statue of the United States is drawn in question or where the validity of a statue of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statues of, or any commission held or authority exercised under, the United States.

(Emphasis added.) The plaintiffs may therefore, if they litigate legitimate federal constitutional claims in the proceedings in the Tennessee courts, and if they exhaust their avenues of appeal in the Tennessee judicial system, seek an appeal from any denial of federal constitutional rights to the Supreme Court, by way of a petition for a writ of certiorari.

Because a fair reading of the complaint filed in this civil action, in the light most favorable to the plaintiffs, discloses no claim for relief other than a request that this federal district court sit as an appellate court to review the decisions of Tennessee courts, the law outlined above mandates dismissal of this civil action. There is an additional reason why the plaintiffs have in this case failed to state a claim within the subject-matter jurisdiction of this court. In Ex parte Burrus, 136 U.S. 586 (1890), a grandfather who held withheld the custody of a minor child from the child's father in disobedience to orders of a federal district court sought a writ of habeas corpus from the Supreme Court for his release from imprisonment for contempt of the district court's orders. n this procedural posture, the Supreme Court was compelled to examine whether the district court had been possessed of jurisdiction in the first instance, on the basis of the original petition for a writ of habeas corpus filed on behalf of the minor child, to adjudicate the issue of child custody. The statue applicable to the writ of habeas corpus then in effect granted federal courts the power to issue the writ in cases in which any person was restrained of his or her liberty in violation of the constitution, treaties, or laws of the United States. (See 28 U.S.C. S 2241 (c) in the modern United States Code.) Noting that the original proceeding concerning

the custody of the minor child did not arise under federal law(2), the Supreme Court held that the proceedings concerning the custody of the minor child had been void, and that the petitioning grandfather was therefore entitled to the writ, the attachment and imprisonment of him having been equally void.

In noting that the original proceeding concerning the custody of the minor child did not arise under federal law, the Supreme Court in Ex parte Burrus stated, The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the United States. Id. at 593-94. The Supreme Court declined, however, to address the issue "whether the diverse citizenship of parties contesting this right to the custody of the child could, in the courts of the United States, give jurisdiction to those courts to determine that question." Id. at 596.

In Ankenbrandt v. Richards, 504 U.S. 689 (1992), the Supreme Court reviewed the history of the "domestic relations" exception to diversity jurisdiction, and concluded that it is derived from construction of jurisdictional statues, as opposed to being a rule of constitutional law. In Ankenbrandt, the Supreme Court reaffirmed the exception as it applies to matters of divorce, alimony, and child custody and support. 504 U.S. at ___ [112 S. Ct. at 2215.]

(2) As the opinion in Ex parte burrus makes clear, federal district courts in that era did not have diversity jurisdiction. See 136 U.S. at 596.

The complaint filed in this civil action shows clearly, in the addresses stated in the caption, that there is no diversity of citizenship between the plaintiffs and the defendant. While the plaintiffs have sprinkled references to federal constitutional rights liberally throughout their complaint, the relief sought deals entirely with matters concerning the care and custody of the divorced adult parties' minor children. These matters, as the adult parties' extensive litigation in the Tennessee judicial system shows, are indubitably domestic relations matters. And such matters, as Ex parte Burrus, supra, teaches, do not arise under federal law.

The plaintiffs have asked this federal district court to sit as a court of appeals to hear State domestic relations cases, something which Congress has not seen fit to allow district courts to do (and which Congress perhaps could not constitutionally allow). The plaintiffs, in this second round of litigation before this court arising out of their dissatisfaction with the rulings of the Tennessee courts in domestic relations matters, have therefore failed to state any claim within this court's subject-matter jurisdiction. The court finds that there is no possibility that the plaintiffs could amend their complaint to seek the relief which they want without asking this court to sit in review of State-court decisions, and to exercise a domestic relations jurisdiction which it does not have.

In making these findings, and dismissing this civil action for lack of jurisdiction of the subject matter, the court is not ruling under Fed. R. Civ. P. 129b)(6) that the plaintiffs have failed to state any claim on which relief can be granted by a court of competent jurisdiction, see Tingler v. Marshall, 716 F.2d 1109 (6th Cir. 1983), nor that this civil action is frivolous.

See Harris v. Johnson, 784 F.2d 222 (6th Cir. 1986).(3) The distinction between dismissal for failure to state a claim on which relief can be granted and dismissal under Fed. R. Civ. P. 12(b)(1) for lack of jurisdiction of the subject matter is significant. Brown v. Stickler, 422 F.2d 1000, 1001 (6th Cir. 1970). Summary dismissal on the latter ground is appropriate where, as here, the absence of jurisdiction of the subject matter appears on the face of the complaint, and the jurisdictional defect is obviously not curable. Id. at 1002 (citation omitted). See also Hale v. Kahn, 914 F.2d 256 (table), 1990 WL 135937 (6th Cir. 1990) (UNPUBLISHED OPINION) (summary dismissal of an in forma pauperis plaintiff's pro se complaint was proper when the face of the complaint disclosed neither a federal claim nor diversity of citizenship of the parties); Madden v. Thorburn, 889 F.2d 1087 (table), 1989 WL 140204 (6th Cir. 1989) (UNPUBLISHED OPINION) (summary dismissal of such a complaint was proper when it was clear that the pro se plaintiff sought to challenge the propriety of a probate matter, outside the subject-matter jurisdiction of the district court); and Keeran v. Office of Personnel Management, 827 F.2d 770 (table), 1987 WL 44548 (6th Cir. 1987) (UNPUBLISHED OPINION) (sua sponte dismissal for lack of jurisdiction of the subject matter does not violate the rule of Tingler v. Marshall, supra).

(3) The plaintiffs have not proceeded in this civil action in forma pauperis, and therefore 28 U.S.C. S 1915(d) does not apply. In this memorandum opinion, the court expresses no finding that the plaintiffs' claims are frivolous or malicious.

For the reasons stated, the court will dismiss this civil action for lack of jurisdiction of the subject matter. The court will therefore deny as moot the plaintiffs' motion [doc. 2] for expedited consideration of their requests for extraordinary relief.

Enter
Leon Jordan
United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

EARL G. HESS, JR., et al
Plaintiffs,

v. No. 3:95-cv-0721

PATRICIA L. HESS
Defendant

ORDER

For the reasons stated in the court's memorandum opinion filed with this order, the court finds that it has no jurisdiction of the subject matter of this civil action. It is therefore ORDERED that this civil action is DISMISSED, under Fed. R. Civ. P. 12(h)(3).

It is accordingly ORDERED that the plaintiffs' request for an expedited hearing date [doc. 2], read as a motion, is DENIED as moot. ENTER:

Leon Jordan
United States District Judge

Date 1-25-96
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